special
collections
DOUGLAS
LIBRARY

QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

2305
1012
c. 11.

MEMORIAL

ADDRESSED TO THE

SOVEREIGNS

OF

EUROPE AND THE ATLANTIC,

By Gov. POWNALL,

AUTHOR OF A FORMER ONE PUBLISHED IN 1780.

Licet surrectura, licet ruitura regna
Prospicere, et magnarum urbium lapsus,
Marisque novos cursus.

LONDON,

PRINTED FOR J. DEBRETT, OPPOSITE BURLINGTON HOUSE, PICCADILLY.

1803.

AC911. 1803. H67

PRINTED, AT THE ORIENTAL PRESS, BY A. WILSON,
WILD COURT, LINCOLN'S INN FIELDS.

MEMORIAL

TO THE

SOVEREIGNS OF EUROPE AND THE ATLANTIC.

PART FIRST.

Motum ex Metello Consule Civicum
Bellique Causas—et Vitia—et Modos,
Ludumque Fortunæ—GRAVESQUE
PRINCIPUM AMICITIAS.

THE remote causes of the present revolutionary and revolutionized state of Europe, have lain concealed for many ages back, as speculations in philosophy and inexperienced visions in politics. It is at this time neither of use in reasoning, nor applicable to practice, to investigate and examine them in that state: The subject of this Memorial being matter of practical science, it will simply follow facts and events as they came into operation, and trace their effects.

In the prospective view of future events, to examine by past experience the matured growth of those causes, and the influence they have had in their activity, may meet, and perhaps remedy, all that infectious mischief which has lately been abroad and in operation amongst men; and which, violating all relations, annihilating all right, dissolving all fixed principle, has tended to disorganize all the orders of community in Europe.

About forty-five years ago these causes rose upon the *political horizon*, and began to evolve their effects in America: About twelve or fourteen years ago these causes began to vegetate in Europe, in a soil prepared to receive them and to give them growth.

To describe the progress of these evils, and to state the remedy, will be the purport of this Memorial: To describe the shock of nations, and the subversion of the *rights of nations*, the abrogation of the *law of nations*, and consequent disorganization of Europe: To mark the present arrangement

in

in the affairs and amid the Powers of Europe, as founded on the *law of force*, the only ground on which the pacification of Europe can remain balanced: To mark the situation in which the Atlantic Powers, cut off in interest as well as relative position from the Continent, are placed, and what that situation requires to maintain not only their power and interest, but their very being: To describe the perversion of the principles of political liberty, which has taken place in theory, and which, when applied to practice, renders the organization of community, into orders and subordination of orders, which is of its natural essence, incompatible with such liberty as is claimed, and renders the process of community advancing to government quite impracticable: and from such description to mark by what means, with what spirit, and by what conduct, both in the governors and governed, these evils should be met—will form the tenor of the three parts into which this Memorial divides itself.

In the year 1754 commissioners from the

British provinces and colonies in America were, by order of government, convened in a congress at Albany, for the purpose of forming an union of defence against the power of France, at that period commencing its *system of aggression* upon the British settlements. This convention, from old habits of administering the affairs of their respective *interior governments*; from long-confirmed opinions; from a sense or feeling that the people of North America had, in their progressive growth, passed from under a state of pupilage to the being of age, as our law expresses it; from a consciousness of their increasing power—planned the form of a *federal representative government*, to be administered by a president general, commissioned by the Crown, acting by and with the advice and consent of a general council, chosen by the representatives of the people of the several provinces and colonies. The writer of this attended that congress by order of government, and was cognisant of the principles which actuated that convention, of the reasonings by which it proceeded, and

and of the measures* which took place therein.

The plan of this federal representative government was not acceded to by the government of Great Britain at that period; in lieu thereof an *union*† only of *military force* was adopted and ordered to be carried into execution.

Although, however, the superstructure of this *new system* of a federal representative government was not suffered to be raised, yet

---

* He formed the plan and suggested the measure of a *naval force* on the Lakes, the only measure which was adopted by government, and was put into immediate execution—a measure which gave a decided turn to the affairs of that continent. He recollects with pride the honour he had of receiving the formal thanks of that convention, and of his conduct having received the approbation of government.

† Which union, in its first step, the writer of this, as a commissioner of the province of Massachuset's Bay, negotiated with the colonies of New England, and the provinces of New York, Jerseys, and Pennsylvania, for the purpose of the Crown Point expedition, and succeeded in forming an union which gave the ascendant to British America; the first step of which was Sir William Johnson's victory over the French at Lake George.

yet the *foundations* then laid were never out of the minds of the people; and various designs were in divers periods successively proposed to be raised on these foundations.

This first effervescence of *this new system* went off, and was abated by the more immediate effort of military defence, become necessary in the war which broke out at that period. At the conclusion of the peace, a new order of things opened a new channel of business; and a new system of interests brought into operation a new concatenation of powers, both commercial and political; a new combination of views and measures continued working secretly to events in the spirit of the times prepared for them, but by efforts as yet immatured, and unequal to act up to that spirit.

When the British provinces and colonies revolted from the *provincial* government of Great Britain; and by their own efforts in the severe struggles of war, by and with the assistance of France, and by the secret encouragement of some other governments, emancipated themselves from *external* government;

vernment; founding their political existence on the ground of the rights of their own independent individuality, they took their stand as an individual political person, independent and sovereign, on an equal station with others the sovereign states of nations: Then this *new system* first came into fact, and a federal representative government was first actually built up on those very foundations laid in 1754.

The effect which the agitation of the points of polity that had been brought into discussion, and the actual decision of those points at the peace had, was the calling forth the *latent doctrines* of the new philosophers of the old world *into energy*; and brought forward theory into act and deed in Europe also. This was not only the source, but in fact the beginning of the revolutionary events which took place in Europe. These doctrines having an especial influence in many of the nations, and even in some of the cabinets of the governments of Europe, worked up a formidable conjuncture of disorganizing causes.

The spirit and secret workings of things were understood and known to those who were practically conversant with the *causes* which the existence of this new system in establishment brought into operation, long before the *effects* came into event. The writer of this paper stated the rising nascent event in a memorial which he addressed to the sovereigns of Europe in 1780, in these words:—"*Video solem orientem in occidente* *. North America is become *a new primary planet* in the system of the world, which, whilst it takes its own course in its own orbit, must have effect on the orbit of every other planet, and SHIFT the common centre of gravity of the whole system of the European world." This, and other matter of the same import, which, attended to and adopted at the time when first suggested, twenty-two years ago, might have prevented much of the evil which followed, was called by the ministers of that day the visionary wildness of theory: It was, on the contrary,

* An old adage.

trary, but a plain simple description of the *fact* of a new order of things, and a precise marking of *effects*, which by these operations were evolving out of their *causes* into event. That it was not a mere opinion presumptuously announced at random, without being assured of the grounds which were laid in fact, and without a practical knowledge of the operation of things towards such effect, the present state of things, and the crisis to which they are brought, will testify and fully justify. The peculiar *orbit of every planet of the European system is disturbed*; and *the centre* of the general system of Europe *is shifted.*

When first this revolutionary spirit began to breathe, and these principles of the new system became active on the continent of Europe, all the sovereigns thereof received the shock, and took the alarm, in part for the security of their own order, and in part to prevent the effects which revolutionary changes in the internal organization of states might have, and the changes they might make in the external relations of power and interests amongst the

several

several sovereigns and states, as they bore on each other, so as to derange the old system of a balance of power amongst them.

He that wishes to profit by experience of the course of things and the conduct of men, will mark here the nature and the consequences of the measures which they took, and will find that those measures had a direct tendency to produce, and did produce, the very state of things which they were meant to prevent. These sovereigns, forming arrangements of new alliances, and forming new coalitions, supposed that they had power, and assumed a right, to interpose certain regulations, and to impose certain restrictions, on the internal power of the political will of states, as it operates on its own organizations, in its own affairs. As this assumption was not admissible on the *right of nations,* so long as they are supposed to be individual political persons, sovereign and independent, it could not found its measure on the *law of nations,* and must necessarily be, as in fact it was, actuated and conducted by the *law of force.* These measures were

prin-

principally formed and directed against France, which, by its more immediate intercourse and connections with North America, and *this new system*, was the first European state which received the impression of this revolutionary spirit, and which was, in consequence thereof, thrown into a series of experimental revolutions, going at length to the subversion of their old form of monarchical government. France, thus struggling to establish *a representative popular government in the spirit of the new system*, and these sovereigns thus united in coalitions to oppose, and actually attempting to destroy, the fabric of this new system, came to issue *on the law of force*. Thus all the nations of Europe, in the natural course of events which arose out of such measures, became involved in a state of war, without any specific rule of conduct, or any decided purports, but what *acquired force* dictated at the time; and without any consentient fixed point of settlement but that which the fortune of war and *ascendant power* would admit of, or should impose.

The

The operation of such a war, instead of keeping settled and maintaining the old balanced power of nations, has deranged all the old external relations of sovereigns and states amongst each other, and has subverted that long established system, which its avowed principle was to guard and defend.

This fact future history must describe in general; but to carry experience to use, we must take a more detailed review of these events as they came into effect.

France, at the very period when these coalesced powers commenced their operations, was divided within its own government and people into various factions, successively destroyed and destroying each other; was weakened within, and incapable of making any external effort, and would have remained so if left to itself: But upon the attack of the coalesced powers, she became immediately united in the first of all principles, self-defence: The circumstances to which she was reduced by this attack rendered a military power, as a national establishment, necessary; and France became formed into a military government,

vernment, whose constituents were soldiers, whose constitution was that of an army, and whose system was war. It was thus, therefore, although nearly dissolved by internal repulsion, concentered into an indissoluble union by external compression; and in the organization of this union, became a military power, in force able not only to defend itself up to the utmost post of its frontiers, but, in repressing aggression, to extend and advance that power illimitedly beyond them: So that these very measures which brought on this war of nations became a forming principle which rendered France, thus united, whilst the coalitions, at every advancing step, fell into divisions, an ascendant, and finally a dominant power amongst them, THE GREAT NATION.

Whatever, therefore, were the real and respective motives and proposed end of the war; whether, as held out at first, to preserve the monarch of France; whether to guard the interest of monarchy; or whether grounded on a principle of maintaining the old established order of government of every form

form against the spirit of revolution and disorganization; whether to repress back and to confine the French state within its ancient bounds of dominion, or even within narrower limits; whether to form a barrier against the supposed advancing extension of its operations, and to resist its aggrandisement; whether to maintain the settled external relations of states, and to maintain the old established balance of Europe; or whether, on the other hand, all or any of the coalesced powers which attacked the nascent republic meant to crush it in the birth; whether any of these powers, considering the divided and weakened state of the nation struggling under the distractions of revolutionary factions, and going to absolute disorganization, wished to seize this occasion to make conquest and take possession of parts of it; whether the conspiring open declared motives of all, or the disunited disguised designs of any, were defensive or offensive, they have all universally and totally failed.

The

The monarch of France was dethroned and lost his life: The nation lost, or, as others express it, was emancipated from its monarchy; and has now established a new government, in name a Consular Republic.—"*Apius vehementis ingenii vir* IMPERIO CONSULARI *rem agendam putabat, uno aut altero arrepto quieturos alios,*" Tit. Liv. l. 2, § 23. This might have answered every purpose of preserving *internal* order, and of maintaining the imperium of government; but France being forced into a war grounded on the *law of force*, which aimed to destroy its new civil government, was engaged in *external* measures of defence against such force, and of course was reduced to the necessity of establishing a *military government*, on a principle of universal requisition, which superseding all civil power, went over the whole community, over all property and persons, by which the commander in chief acceded of course to the supreme government of the state. But this kind of dictatorship, howsoever perpetuated, could never be, and never was, but an expedient

dient formed from time to time for the occasion; it could never operate as a permanent establishment, suited to the permanent course of civil government, as the necessity of an active military began to cease, unless the dictator (as in former instances did take place, and in the present instance must,) became established AS A DECIDED, FIXED AND PERMANENT MONARCH. Such was the result of these measures with respect to the government of France; and, with respect to the power of the nation, the empire, instead of being repressed back within its ancient bounds, instead of being confined within narrower limits, has every where, at all points, not only maintained its frontiers to the utmost post, but further has extended its possessions and dominions to a degree of aggrandisement beyond all example since the time of Charlemagne; whilst those who attempted to take possession of the French dominions have lost a great part of their own. So that this war, which was designed to subvert the new government of France, and to suppress the power of the nation, has put

that government on the ground and basis of a monarchy, more united and firm within itself, and of more active energy without, than it ever yet had. By this, and in the new order of things and states, thus forced into event, and by an ascendant fortune and dominant power, this people has become THE GREAT NATION, giving in effect, open or understood, the law to the rest of Europe, operating with an efficiency of power beyond its actual possessions and dominions, to a subversion and deposition of several lesser states, and, as a creative legislator, to give them new forms of government, dependent on its superintending and directing power.

In this conflict of nations, *in this conjunction and opposition of the planets of the political hemisphere*, variously deranged, and as variously new arranged, AUSTRIA, though not much diminished, yet disturbed in its orbit by certain parts of the empire becoming eccentric to its system, and verging to a foreign centre, and being obliged to change the basis of its possessions, is become humiliated and weakened: RUSSIA, shewing a

temporary energy of extraordinary power, was suddenly paralysed: PRUSSIA, although advanced in dominions more united and strengthened, yet, by a shifting system of politics, is put upon a vacillating centre: GERMANY lies a patient prey to be divided, and its parts to be disposed of, in the name of various indemnities: SARDINIA annihilated as a kingdom on the continent: VENICE and GENOA no longer sovereign and independent republics; the one bargained away into the hands of a foreign power; the other melted down as a part in the compound mass of a new system: NAPLES continues its being at the discretion of others: The POPE no longer a creator of kings, but a poor creature, the specious machine of a spiritual court: The FREE STATES OF SWITZERLAND, and the UNITED PROVINCES, are revolutionized into a kind of chartered provinces, having a free government, actuated by an external predestinating will: SPAIN and PORTUGAL in the south, SWEDEN and DENMARK in the north, remain as established sovereign individuals in their own internal political personality; but, when viewed

in

in their external relations, they will be found in future rather as secondary satellites to their respective primaries; and must remain so, until, feeling the actual essential circumstances of their nature, and the true component properties of which their existence consists, they shall have the discernment to find that such their being has reference *to some common centre in some other system*; and until, so feeling and discerning, they shall have the energy to take their course attracted and converging to such centre: The OTTOMAN EMPIRE—

> Jamjam lapsura cadentique
> Imminet assimilis—

is under such a fated decline, that even those to whom it must look, and to whom it must be obliged for defending its government against its own revolting subjects, will finally become the possessors of the parts which fall off from it; and the world will see the dominions of this state divided, as the dominions of Poland were; Russia and Austria, and perhaps Prussia, will take their portion in the northern parts; and France take its lot in the southern Grecian, and

eventually the Egyptian regions; will fix a military province on the land, and form a naval establishment on the Red Sea, for which she has already made preparations by a treaty of commerce with Russia for naval stores* from the Black Sea; in the mean time, she will aim to fortify an *exclusive communication* with that province and the Levant, *by the acquisition of the command of Malta*, if Great Britain is humiliated to so base a degree as to give it up on any other conditions than those on which it engaged by treaty to make the cession of it, which were, that France should never, directly or indirectly, come into the possession or command of it: IRELAND, by its union with Great Britain, has but barely escaped the influence and the mischief of the general revolutionary state of Europe; and has become an integral part of a primary planet in the system, instead of being a mere dependent satellite to France.

Under

* It was the want of this supply which obstructed two different attempts made by the Venetians, at the period of the discovery of the Cape of Good Hope, to form a naval establishment in the Red Sea, in order to maintain their communication with India.

Under these circumstances, and in this state of nations, hostilities have ceased; and pacts of pacification have taken place, not by any reciprocal recognition of *the rights of nations*, which alone can become the basis of *the law of nations*; not on the guaranty of any sponsor power engaging for and capable of insuring the maintenance of it; not on any general principle; but on such terms as each single subjected or depressed state could negotiate for its own particular existence; such as it was permitted to keep, or such as it was obliged to accept, from the dominant power which granted these terms under the law of force, or such terms as are negotiated for it by its powerful friends, who usurp the right of taking it under their patronage and clientship.

The other case is, where two great states, more equally poised, have met in that precise point of interest which it would be useful to surpass on either side, and beyond which to attempt the gaining any advantage would be to risk more than could be secured by compact; up to which, and at

which, such states advanced hold each other at bay by their respective power; which pact, therefore, *must depend entirely on a continued energy, and an occasional exertion of power under the law of force**.

Whoever knows any thing of the present state of Europe, must know that the two cases above stated, in general, include and comprehend every special case of the present state of pacification, bound rather by the ties of power, than affianced on the obligations, and ratified by the sanctions of the law of nature or nations.

Under this state of pacification it imports every nation and government to know practically, to look to, and, in their politics, to have reference to what the law of force may do, rather than what the law of nations may prescribe and require, as just and right, on compact, to be done; for until the rights of nations are recognized and established, the law of nations is a betraying mockery, imposed on the minds of those only who are the

* The precise situation in which Great Britain and France bear upon each other.

the dupes of it. It therefore behoves and imports all the nations of Europe to weigh well, and to examine, whether this state of *pacification* is that state of peace which respects the rights of nations, which is founded on the law of nations, and which hath in it that principle which can form a permanent system of PEACE.

In this examination of the dominant powers of Europe, the first, as the greatest and most important object, is the power of THE GREAT NATION; which is a military monarchy, whose constitution is that of an army; whose system, and the progress of whose existence, is war, open or understood; which is established on a systematic plan of conquest, to the reduction or destruction of all other lesser nations round it. Take the word of one of its own supreme executive for this fact—" Le systeme du Directoire n'est pas equivoque, pour quiconque ait observé sa marche avec quelque attention: c'est de fonder la puissance nationale moins sur la grandeur reelle de la republique, que sur l'affoiblissement et la destruction de ses voisins, de les combattre les uns par les autres,

de les traiter comme amis, aussi long temps q'on ait besoin de les paralyser, ou d'en extraire des secours; et lorsque le temps est venu, de les ecraser."—Carnot. Take a second proof from its own mouth, in a note delivered by Mr. Chauvelin to Lord Grenville—" Whenever a nation comes into those circumstances, that a treaty, justly made and ratified by its government, may be, on its own part, considered as *a violation of some right coming into subsequent claim*, such nation is authorised, *on the right of nature and nations*, to break it."—If this rule of " Fast and loose" be admitted, all federal negotiation becomes a mockery; and even peace itself, could it exist on such baseless right, could be bound by a *slip-knot* only; whereas, by " *the right of nature and nations*,"—

——————— paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittunt;
——————— nec fœdera rumpunt,
Quo res cunque cadunt——

Although, in all the affairs of man, we may ask the question, When shall that eternity have end? yet all federal pacts, unless specially

cially and in terms determined in their period, are and must be contracted for perpetuity, so understood, and so avowed, in the very act, being established on the law of nations, recognizing the individual rights of nations, which derive from and are fixed by the law of nature, unchangeable and eternal.

When the French directory, or chief executive, whatever be its form or name, assumed to act as THE GREAT NATION, it did not use this appellative as a mere title of vanity; but whilst it affected to announce the equality of the rights of man, and assumed to declare the same equality as extended to the political persons of states, it held itself, at the same time, not barely in title, but in right, such great nation, which, by such statement, and *ipso facto*, admits in itself of no reciprocity of equal rights with the lesser states, considered inferior, as in power, so in right; and taking this vantage ground, cannot have any claim made upon it to admit any other foundation of the law of nations but that whereon the superior power, and, of course, right of this great nation, stands—

stands—*in use and practice* of its own paramount imperium. It may, of its special grace, abstain from injury; but, if its will be otherwise, it may so act *perinde quasi injuriam facere id demum esset imperio uti*—the predicament of injury cannot attach to this paramount power. Standing on this vantage ground, it may, and in some instances did, consider the ministers of lesser nations which came to treat with it, *quasi procuratores imperii, dum jus et imperium penès* [*hosce*] *Romanos est,* as proctors for their states, having suit and service at the sovereign court of France. This was the case of the American ministers, who were required to commence their negotiations by purchasing the liberty to treat. And so much did the then government of the GREAT NATION misconceive of the relation in which it stood towards Great Britain, equally great both in right, spirit and power, that it presumed to expect of the British minister, that he should commence his negotiations by preliminaries; which would have been an acknowledgment of the superior

claims

claims of the GREAT NATION, and a renunciation of those of his own country; and when he as spiritedly as justly resisted such aggression, he was told that he must depart from within the limits of this nation within the first decade, and go back to get from his court such preliminaries as he could be permitted by the GREAT NATION to commence to treat on—*nisi regnum ipsam deditum venisset, in diebus proximis decem decederit.* If treaty was to commence on this ground, and by a recognition of such claims, the GREAT NATION would acquire the *licentia injuriæ*, which it is of the essence of fair and equal peace to take away. It was said of Rome, *hæ tibi erunt artes:* but the executive of the GREAT NATION needs not these arts: it need not hesitate to grant any fair and specious terms of peace, since it has assumed, as on the rights of nature and of nations, a power within itself to *retract such grant*, whenever it may be pleased to interpret such peace *as become a violation of some subsequent and newly assumed right* arising and attaching to such nation.

So long, therefore, as this government of France assumes to be thus the GREAT NATION on this plan of right, no nation or state can live with it in peace; or act with it in fair war; or remain in any assured state of neutrality; or hold any relation, in any describable state of alliance, even in that of the most favoured nation.

As these preposterous assumptions were the mere effervescing insolence of a democratic body (the directory) governing a republic, one would now hope, to every extent of hope which does not go to absolute trust, that a wiser as well as juster spirit does animate and is become the directing principle of a decided monarchy, which forms the government that France has now taken.—" On voit dans le conseil des rois les sentimens d'honeur balancer de grands interêts, quelque fois même en triompher; dans une republique ces sentimens sont peu connus, et encore moins ecoutés, comme si chacun des chefs qui la governent, se croyoit à couvert de la honte d'une lâche resolution,

en

en la partageant avec plusiers*." I received the same explanation from my old friend Dr. Franklin, when, upon occasion of some chicane in a certain assembly, with whom I had negotiations in the years 1755 and 1756, I said, that if one was not acquainted with the movements of bodies of men, one would wonder how men, whom one knows to be men of honour in their personal character, can ever reconcile such things to their conscience in their representative character: he answered me in his arch way, "To be sure, such things would bear hard on the conscience of any *one* who was to bear the whole; but when that conscience comes to be divided amongst a number of individuals, of whom a representative body consists, the share which comes to any one is so little and so light, that it is scarcely perceptible, and is not felt."

But since the GREAT NATION is no longer under the despotism of a democratic republic;

* M. De Servien dans ses negotiens avec les Provinces Unies, dans le Traité de Westphalie.

lic; since it is governed by a regularly organized and decidedly established monarchy; and since all other great nations act and negotiate upon an equal claim of their own independent sovereign rights; and since all lesser nations, whether under patronage, clientship, or alliance, are negotiated for on the same ground; all these shameful extravagancies, all these Jacobin principles, have no longer place*, either in the reasoning or practice of governments. To secure, therefore, these *rights of nations*, to establish on this ground the *law of nations*, and to apply this to the settlement of nations by treaty in peace, it will become the statesman's duty and business to examine what these rights are, and how they form the ground of the law of nations. For information in this, I have made repeated reference to the publicists, philosophers and professors, who assume to discuss the point in this matter; but I do not find any who has gone

* One would hope so to every extent of hope, *but not of trust.*

gone *au fond* in the analysis of it, or any who has given the precise definitive state of it, in the didactive doctrines which they brought forward in the use and application of it. I would not venture to hazard this assertion, did they not all give this account of one another, and then leave the point, as to demonstration, not better than they found it. The utmost point to which these philosophers and professors have gone, is to suppose the law of nature to be a thing settled as to individual men, and then to make a rational, others add, a judicious and rational, application of it to nations, as political personal individuals: but the ground and the *how* of this rule, first as it is supposed to be settled with regard to man, and *how* to be applied to nations, still remains vague, depending on the *judicious and rational application.* Vatel says, by way of deciding this, in his Preliminaries, that right arises from obligation. As it seems to me that the reason and the truth is the very reverse, and that obligation arises out of rights, I shall first state the *right of nations,* as the found-

foundation of those rules and obligations which form the law of nations.

Every nation, as an organized being, must have a principle of individuality; and on the right of that individuality, must be equal to, and independent of, any other like individual, as to the essential right of its existence, howsoever disproportionate in the circumstances of power and interest. Such nation is a political person, having a property in the parts which compose it, and a natural capacity of having and holding possession, and of using such its property in itself: it has capacities to use, and a right to use and enjoy all those circumstances which are essentially annexed to its being, and form its existence: Such nation has a will, sovereign within the limits of its own existence, to actuate its own being. All these attributes form *the essential rights of a nation,* as an individual political person. This existence of personal being acting as what it is in nature, and the rules by which it is to be acted with, as being what it is, according to these rights, form the *law of nations.* No other

other like individual, howsoever unequal or great its power, can assume a claim *in right* to take away, diminish, or obstruct any right essential to the existence of such nation, as such claim would imply *a right* to take away its existence. It cannot do this by any claim of power, so long as it holds any relation to the lesser nation by patronage or protection, or so long as the lesser is under any relation to it by clientship or as a feudatory: If it makes conquest of such a nation, the *law of force* takes place; but force is not right *. An unequal alliance, however, even consonant with the law of nations, may diminish, suspend, or take away from it, rights which are *not essential* to its existence; for such diminishing, suspending, or taking away these, only reduces such existence in right to what it is in fact, inferior in power and subordinate in interest, although still sovereign, equal and independent

 in

* Refer this to the case of the Seven United Provinces, to Switzerland, to Genoa, the States in Piedmont, &c. &c.

in the essential rights of its personal individuality.

Unless the essential rights of nations be thus established, the law of nations cannot come into operation; no, not into existence: Unless each nation is recognized as a party participant in the general state of nations; unless the right of its sovereign, equal, independent individuality of political person, be avowed, recognized and admitted; there can be no base even for treaty—no sanction of any pact of alliance or peace: all relations which arise, all actions which pass between nations, can in such case originate only in *will*, and be put in operation only by *force*.

But whenever the powers of Europe, after force has taken its full scope, and revolution has had its full course, in the effects which it hath produced in each nation individually, and in the relative state of nations, shall find, in the combination of events, and in the existing fact, that, let force do what it may or can, there must still be some modifications, some bounds, beyond which it cannot

cannot go; even the most victorious and dominant states must feel, that the law of force can never be a permanent system, practicable on any arrangement; that force can go only to a certain point, where resistance will become impenetrable, will set power at bay; and that states, however unequal in power, must come to some poise, on which every power will feel *its own scale*, and will find (acting on that scale) that its natural interest, and the best and safest security of that interest, is "TO LIVE AND LET LIVE." This rule can alone be, as in private life between man and man, so in the relative existence of states, the basis whereon any arrangement of balance can take place, and on which such balance can find any practical centre in the existing fact of the new state of nations, wherein and to which the rights of all, each in its degree, can combine and converge. This is a homely, but it is a divine truth, formed in the eternal nature of things.

One would be willing to suppose that Providence is so working, by the present com-

bination of events, on the spirits of men, that some such arrangements are coming forward, as natural effects, into event at this crisis of time and things; that nations are, by the natural course and circumstances of their existences, falling into some conventional organization of a balance, re-established by a general common recognition and guaranty of the reciprocal rights of nations, as they now actually and *de facto* exist.

The old conventional balance of power in Europe is dissolved; and the centre on which it poised is overturned, and never can be restored to that system on which it was combined, and by which it hath operated for near two centuries back. When statesmen who administer the government of these nations look back, and from experience consider what wars, what negotiations in various periods, (mankind in the mean time suffering every extreme of distress,) have been carried on, and repeatedly engaged in, for many a long series of years, before any adjustment of the interests, before any compromised arrangement of the powers and

rights

rights of nations, could take place by the law of nations; when these statesmen look forward, now that every arrangement is broken up again, to a degree and in a manner which was never the case before, that an almost endless series of wars, an almost inextricable labyrinth of negotiations, must again be carried on and gone through, before hope could find any holding-spot of the old ground whereon to fix the anchor of the same, or any similar system which would be permanent to the ends of peace: They must no longer rest their measures on that which is become groundless theory, but act upon the existing fact, and the actual state of things and of nations. The form, the interest, the actual power under which these states now exist, are running into a *new system*, by combinations and in lines which converge to quite a *new centre*; and whatever system of a balance of power in Europe may be hereafter formed, it must arise from the new state of nations, and those new but natural combinations, and the course of their movements

as they converge to this centre, fixed by the rights of nations on the law of nations.

It is a decisive truth in the nature of things, and a fact which always comes into event in the course of the operation of them, that the parts of compounded power, from the different things to which they become annexed, from the different degree of activity and direction which they apply to the use and possession of these, should divide into parties, and form interests opposite to each other. In this division of power into such opposite parties, there always arises a portion of power, which neither the interests or the energies of the one party or of the other extend to; which has not any decided exclusive connection with either party, and yet at the same time has a communion of interests, a coincidence of action, common to both; to which, therefore, both parties alternately refer, in order to form a certain counterpoise between each other, or to restore that poise to some equilibrium of power and interest between them. This *third power*, therefore, becomes a balancing poise,

poise, and a co-ordinate component part of a fixed equilibrium, on which and by which these parties enjoy and maintain their free existence, energy, and interest. This is the general universal principle common to and including all possible cases of power compounded of parties, and acts invariably in forming such into *an equilibrium of three*, fixed on a common centre. This was the case of the Roman republic, wherein the parties resolved themselves into and settled in a TRIUMVIRATE: this was the actual fact before the government concentred into a one indivisible imperium: afterwards, when, in the extension of its dominions, it became a compounded power, consisting of various colonies, provinces, and conquered states, it never had internal peace, but as, in its various revolutions, it settled in a TRIUMVIRATE. This was the case at the final breaking up of this empire; this was the case in all the settlements of peace which took effect in Europe after the final dissolution of this empire; this was more especially and decidedly the case at the peace of Westphalia; and

must be the case whenever the present revolutionary and revolutionized state of Europe shall settle, not barely by a pacification of pacts, but in a general and universal system of peace throughout the whole.

At the treaty of Westphalia, France, its allies and dependants; Austria, including Spain and the southern parts of Germany; the Northern powers and Northern states of Germany under the prominent power of Sweden, actuated by Gustavus Adolphus; formed a similar *triumvirate of power* which, by a general peace, formed a balance of power into a system for Europe, existing from that period to the present time, when it was broken up by the late revolutionary war.

If the statesman looks to the present state of the fact, he will find all the minor states of Europe, by the results of the revolutionary operations, reduced under a state of protection or clientship, or by unequal alliances become subordinate and dependent on the great ones: He will see these great nations settling in some poise amongst each other,

and,

and, by the direction of their courses, combining to some centre: They are at present* an undecided floating number; but that number, by the natural process of the way they are in, is combining into an equilibrium of three.

He will see the empire of the GREAT NATION, France, or, if it wishes rather to be styled Gaul, with its dependent client states, with its subordinate unequal allies, holding dominion over all Europe to the west of the Rhine, and the western parts of Italy forming one of these powers.

Austria, though not connected with similarly dependent subordinate states, but, on the contrary, shaken in its interior balance by the opposition of parts of its system leaning to a foreign scale, is yet, by the extent and power of its own hereditary dominions, by the union of those parts of the empire which adhere to its constitution, and by the possessions she holdeth on the eastern side of Italy, equal in weight and power to form the second.

The

* Written in the beginning of the year 1801.

The kingdoms of Sweden, Denmark, and Prussia, with the northern powers of Germany, might, as they did under the leading command of Gustavus Adolphus, in the war and treaty of Westphalia, when the empire of Russia was not yet risen on the political horizon, form the third. But, since that vast empire, bordering on these northern states and kingdoms by a line of frontiers which covers the whole, has come forward in power, act, and operation, quite a new case arises. This empire must now become, not a mere component party in any coalition formed by these northern powers, but an integral part of a perfect and permanent union on system of this third body of the TRIUMVIRATE. Whenever it doth, and so long as it doth, this third power will prove a dominant power, equal to France, and superior to Austria, thus humiliated, and inferior in the triumvirate. All Europe would, however, become balanced under the equilibrium of these three powers, and rest in peace. But if hereafter there should arise any rivalship, or even any jealousy, between Russia and Prussia, as to their

their influencing alliance over Sweden and Denmark; if ever Russia should begin to feel, and find, that she has not, in this coalesced power, really and actually that leading which she is permitted ostensibly to actuate; or should once suspect that she is led; or if she should ever hereafter think that it was not her true interest that Austria should be too much humiliated or weakened, whilst Prussia was advancing to an ascendant; or if any other foreseen, or at present unforeseen change, by the course of events, should take place in the relative growing proportion of power between these two great states, the attracting coalescence would dissolve, a repellant power would operate, and form new attractions in this political chemistry. The experienced and discerning statesman must see, that there are yet many revolutions to be gone through in the north, both such as may settle, and such as may unsettle, the varying coalescence of this third power; in the movements and operation of which, France must have a commanding influence, especially in any negotiations which may arise upon them.

them. If thus Russia and Prussia should become divided in their measures, Prussia will find itself, as said above, on a vascillating centre, until France shall fix it by attaching it to itself: And, on the other hand, Russia will not only find it right, but of necessity, that she should attach and connect herself to Austria; so that thus the arrangement of powers will be two and two. The powers of Europe, thus divided into two parties, may stand and hold each other at bay, may abstain from hostilities by an armistice, may suspend the stroke of war by a truce, but this must be an armed one.—Peace can find no ground of guaranty: between two there can be no decided way of balancing the scale, but by the precedent formed by Brennus, a former leader of the Gauls, who, when dispute arose about the preponderancy, threw his sword into the scale with a *væ victis*. If no triumvirate of powers can take place, no equilibrium of a balance of power can be settled in Europe on system; and war, a permanent or perpetually renewed state of war, must be the

state

state of Europe, unless and until some one GREAT NATION, that of France, for instance, under the imperium of Bonaparte, as Rome did under Augustus, shall give peace to the whole world, by holding all nations, disarmed of the *licentia injuriæ*, under its dominant empire, one and indivisible.

Whatever may be the case, the arrangement of the affairs of this world are far removed beyond the best designs and most extended views of men: and to command the operations of their course are not within the human powers; it is with the Supreme Power alone, who directs and brings these courses into event, to form the issue of the result—*Dabit Deus his quoque finem.*

Whatever the Supreme Being, in his providence, may intend, sovereigns and statesmen of Europe must see, if knowledge is founded on fact, and derives from experience, that there is no safeguard for general peace, as the affairs of the continent are now circumstanced and combine, *but on the equilibrium of a* TRIUMVIRATE OF POWERS; and they must see that it has become their interest,

and is their duty, to look to, to cultivate, and to maintain that point of concentration on which alone such triumvirate can be poised.

In this crisis to which the powers and the interests of the continent are brought, quite a new system, quite a new duty, arises to Great Britain, and to the Atlantic states.—The Second Part of this Memorial goes to the analysing the circumstances of their natural situation; and to state the line of duty become essential to them, not only for the preservation of their natural power and interest, but to maintain their very being.

MEMORIAL

TO THE

SOVEREIGNS OF EUROPE AND THE ATLANTIC.

PART SECOND.

Res memoranda novis Annalibus, atque recenti
Historia. JUVENAL,

WHATEVER may be the present state of the pacification of Europe; whatever may be the terms of the several separate pacts, by which the lesser and weaker powers are bound, under the ties of the *law of force,* to the great and dominant powers—for these lesser cannot be said to be *affianced in right* under the sanctions of the *law of nations*; whatever may be the poise of the great nations amongst each other: Great Britain is now cut off, and as effectually divided, from the political state of Europe, as she

she is by her local and geographical position from the Continent. If a triumvirate is formed, Great Britain can make no part of it. If none such be yet fixed, and the powers of Europe are to recur again to that fiction, *a balance of power*, the semblance of something which has a name, a mere illusion to the speculative politician, and an absolute system of dupery to the practical statesman, Great Britain, unless she is a determined dupe, can have now still less to meddle with it. Great Britain was certainly right, at the period of our Revolution, and at the time of the settling the succession of the present Royal Family on the throne, to connect her interests with the Continent in that measure, as a balance and counterpoise against the conspiracy formed by its own sovereign with a foreign power, for the maintenance of a tyranny which he was endeavouring to establish. But now, when no such case can exist, and more especially at this crisis, when all association of nations has lost its attractive power, when dereliction has taken place of alliance amongst themselves;

themselves; when Great Britain has seen this, and experienced the dereliction of her allies one after another, and also a dereliction of one of the most important settled points of such alliance, the Barriere Treaty, she must feel herself at last what she has long been *, the dupe of a measure faithfully pursued by her, when given up by all the powers of the Continent. Here, in this case also, she must see that she has no concern, interest, or influence on the Continent, and therefore nothing to do with it.

However, all this *tracasserie* is now avowedly at an end, and is no more—"Tous " les livres de droit public ; tous les trai- " tês, toutes les bases de la politique et de " ce, qu'on appellait tres improprement, " *la balance de l'Europe,* sont devenus " des objets de pure curiosité, qui ne meri- " tent plus d'etre etudiès et consultès, et " qu'on doit desormais ensevelir dans les " grander bibliotheques." Great Britain must

* The Great Frederic of Prussia, who had a nickname for every sovereign of Europe, and could not

 contain

must now commence *a new system in a new era*, and that system must be founded on the nature of her being, as a GREAT MARINE ATLANTIC STATE, advanced and prominent in the front of all those Atlantic powers which have a *natural interest* to form positive and permanent connections of alliance in that Atlantic system; whose local position is in the circumference, whose interests are circumscribed within the circle, and whose movements all conspire, in approaching each other, to the common centre of that system.

This memorial doth not here refer to, doth not here speculate on, the renewal of the alliance of the maritime European powers, which no longer exists: the very base of such is gone.

The United Provinces, which were once a primary of the greatest importance in this system,

---

contain the contempt he had of Great Britain assuming to interpose to regulate this balance of Europe, always called the king of Great Britain, Monsieur le Balancier.

system, have, by the intrigues of an ignorant, presumptuous, speculating faction, been absorbed in the vortex of the great continental power; have been eccentricated from their former orbit, and must now perform their future revolutions round a new centre.

Sweden and Denmark, although they have been long independent sovereign states, and at times primaries in the system in which they moved, yet that system having changed in some of its essential parts, and having by new powers of commercial and naval operations, been divided into two distinct systems; and these maritime powers not feeling aright their own nature, but clinging with too closely-hauled a sail to the shore of continental connections, have for some time moved in secondary orbits, like satellites, to the greater states of the Continent, in a system hardly natural to them. They are marine Atlantic states, not only by their position, but by their nature and staple products, which connect them in interest to that marine system; by their commerce also,

which has the springs of its movement and the direction of its courses within that system: who confine upon the other maritime states in the same system, not divided by boundaries and limits, but *as copartners in a common-right undivided.* They are certainly, in right, sovereign and independent states: but whether they shall be subordinate or primary, will depend on that actuating principle which must decide whether they are to belong to the Continent or Atlantic. However, all this is speculative theory, founded in the hypothesis of a coincidence of measures and events which are all gone by for the present time, and passed away; so that, if we look back,—ibi omnis effusus labor;—and, if we could raise a wish to look forward, there is nothing to look to.

There is another European maritime nation whose nature is peculiarly Atlantic, as possessing territories and having dominions on both sides of this great ocean; and as its communications with, and enjoyment of its own property, must pass through it. Portugal

tugal has, many years back, stood recognized by all other nations, sovereign and independent: but, by the late revolutionary events, it hath been forced to negotiate for such sovereignty and independence as it now stands possessed of. What that is, this nation must feel more impressively than any words in this Memorial can prudently and with decency express. If any remains of that spirit, from which it derived first its sovereign independence, still breathes and animates it, it has still the capability of being a more powerful and more independent state than it has ever yet been: Its Brazilian territories are more extensive, have greater resources of immediate home-consumption, and, for that of the European market, a richer and greater variety of articles the *fond* of manufactures, than its European territories are naturally formed for, or could be cultured to produce; and, in their local, they are entirely independent of the intrigues, the revolutions, and the powers which rule and dominate in Europe. It might there form and establish a dominion,

if organized on true practical principles of polity, more indissolubly compact within itself, and more powerful *ad extra* than it did ever enjoy, or could ever hope to establish in Europe. This imperium should be a provisorial vice-royalty, preparing those dominions for the reception of the royal family, for the government, and the nation, whenever they shall of necessity be obliged to quit Europe, or whenever they shall have the wisdom and spirit to emigrate to the Brazils for the sake of preserving their independence as a sovereign state.

If ever this state should be reduced to the necessity, or should find *in their hearts* the spirit and wisdom to adopt this measure, it must be done in alliance, and with the aiding assistance and under the protection of a British fleet. This is not wild speculation, never thought of before: it has already been had in contemplation, and was once all but in motion in the minds and hands of those who might have carried it into execution; just as was once the removal of the states and government of the United Provinces to Batavia.

Batavia. Portugal has at present a minister who perfectly knows the truth in fact of this idea; who is perfectly *au fait* to the means of carrying it into execution, and from local expérience practically informed of the mode and means of giving establishment to such imperium in such dominions, and of giving such organization to the government of them as the scite and circumstances of the people would there require, and would and could act under. But, alas! when spirit is dead, the best and most important truths become impracticable theory. So there let them rest, waiting for a happy resurrection. This nation, therefore, (until, if ever, this spirit should again revive,) is out of all contemplation of making part of any Atlantic alliance.

Great Britain, thus totally separated from all connections with the Continent; and these maritime powers, although in their nature Atlantic, absorbed thus into *an union of subordination* under the influence and power of the Continental States, is left alone, *under quite new circumstances, to form*

quite a new system of politics. She cannot naturally, and therefore must not deceive herself in supposing she can artificially create any permanent alliance with the states of Europe, landed or maritime, *formed on any system* of politics which shall connect her with the Continent; for such will, at best, entangle, and finally betray her. But what she may do naturally, she ought to do on system. She ought to cultivate uniformly, justly, fairly and openly, with equal reciprocity of the laws of trade and navigation, an *intercursus communis* of commerce with all. To borrow the words of COMMON SENSE, as addressed to America, "it is contrary to the present nature and state of her existence, and consequently to her interest, that she should have any connections of politics with Europe, other than merely commercial: she should be a FREE PORT to all Europe at large, and in reciprocity claim a FREE MARKET in Europe."

This system can take place only by fair and reciprocal special treaty with each Power,

Power, or in some general convention of all, agreeing, by direct and express stipulation with each and all, on the most solemn sanctions of the rights of nations, and the law of nations, to remove mutually and respectively all prohibitions, restrictions, and obstructions of the natural course of commerce; all bounties which force an unequal importation on each other by a false scale of prices; all distinction of alien and native, so far as such goes to partial injustice in the one party assuming claims of advantage which it doth not admit in the other: And farther, on the same ground and in the same manner, establishing arrangements, by which, at the same time that neutral powers may, in time of war, be prevented from giving partial aid and assistance to one of the belligerent powers, to the hurt and damage of the other, they may remain, in all other respects, unobstructed and unrestricted in the commerce of their native staple commodities and manufactures, and in all those articles of commerce which form the usual assortments of its naval carriage.

1st,

1st, Of prohibitions.—Although all prohibitions, direct or mediate, are in their nature contrary to, and obstructive of, the very end and purpose of an *intercursus communis*; yet in certain cases, and to a certain degree, they become necessary regulations: first, for internal economy, and next, externally; to set matters even, in cases of unequal interference, and to restore an equal reciprocity; but when and where such reciprocity takes place, these prohibitions will soon be found to be unnecessary.

Alien duties, in like cases, and to the same extent and purposes, may be fairly and justly established for a time, consistent with all the equal rights of commerce; because, when they proceed upon or produce an equal reciprocity, they also will become unnecessary, and may then cease and determine.

All restrictive regulations of carriage obstruct the regular, and, in the case of assortments of lading, the necessary course of such carriage, and unnecessarily, enhance the price on the user and consumer, even of those articles

ticles which surmount these obstructions; yet such may provisionally take place on the fair, just, and necessary ground of producing equal reciprocity—that all may do as they would be done unto.

Bounties, so far as they force articles on the importing country on an artificial and false scale of price, are unjust, and do of course lead to restrictions, if not to prohibitions, in that country which is not in a necessary want of them: And, on the other hand, where such country does actually want them, that country will purchase them at their natural price, without this bounty, which becomes thus an unnecessary and oppressive tax on the exporting country.

The arrangements of the rights of neutral powers, and the guarding of belligerent powers against suffering any partial injurious interference of neutrals on the one side or the other, are essentially necessary to the maintaining of the *intercursus communis* of nations in time of war as well as peace. This must be done, either by special treaty between respective nations, or by some general

neral convention unequivocally understood and recognized by all, universally and uniformly admitted as law in the admiralty courts of all maritime powers, and ascertained specifically, without the latitude of construction by the judgment of any particular court, *ex parte*, as other courts, which think themselves aggrieved, will say. Not only what those articles are, which are contraband in all cases, but also what those circumstances are, which render any supply hostile to either of the belligerent powers, must be thus decidedly and specifically settled; as, for instance, what that circumstance, in any unwrought material is, which renders it liable to be deemed as an article *serving to the manufacture and use of arms*, or *to the equipment of ships*; and, in the second place, in the case of a place actually blockaded, or of a port or coast, or country, in a state of blockade, to what extent such blockade goes and exists.

Without such specifications and limitations, a nation, whose principal and staple articles of export are provisions or naval stores,

stores, salted flesh or fish, flour, rice, Indian corn, or horses for labour, hemp, cordage, sail-cloth, tar, pitch, rosin, sheet-copper, iron, lumber, masts and spars, may, although *bonâ fide* neutral between two belligerent powers, lie under an absolute embargo, if not a total exclusion, from all the commerce it is capable of. If these articles are liable to be deemed by construction contraband in all cases without exception, where there is no specification stipulated by treaty, and to be condemned as such, all neutral navigation, except under the defence of an *armed convoy*, is impracticable. Such principle, carried into execution, can alone give to an *armed neutrality* ground of justification, or distinguish it from the becoming a party in the existing war.

Disputes in contest, on the cases referred to in the above paragraphs, have taken up and employed folios of pleadings and volumes of dissertations, and remain still as unsettled as ever, as if truth and justice were inextricably entangled in the artificial ground of them; and yet plain sober sense and honest

honest reason, the fact of the case being decided as above specified, would settle the whole in the compass of half a sheet of paper, and in the space of half an hour.

If these matters, now we are at peace *, are left unsettled in general, that they may be contested on each particular case in time of war,

---

* If the Publicist refers to precedents, and goes back to the earliest ages of navigation, even when the Vics and Thag'ns, the pirates of the north of Europe, held the dominion of the sea, he will find that these people, even under their barbarism, observed decided laws of arms, which distinguished the land-worker, and those who gained their living by navigation and commerce, from objects of war.

Sed hæc piratieæ species *certis constat legibus*, non enim quosvis imbelles, aut *navigatione victum quærentes* obruebant ii, qui Vikingorum titulo superbeabant, sed *hostes* saltem, aut eos quos sciebant hâc arte celebres et præstantes, quique opum ingentem vim *bello maritimo* conquisiverant.

Olaus Wormius Manu. Den. ad Saxum Trelidensem.

Colonos vel mercatores nemo spoliato, quantum verò, necessitate urgente, ad alimenta requiritur, sumito.

Hermanni Torfei Hist. Norveg. Lib. iv. c. 4.

The Publicist may here say, to the most civilized nations of the present times—" Go ye, and do likewise."

war, the maritime powers can never have and hold any equal uninterrupted maritime and commercial alliances on the law of nations, but must go on, as long as they can maintain it, as the Barbary corsairs do, by the law of force.

Great Britain, although excluded, and, on a true sense of her natural interest, in wisdom secluding herself from all the politics, all connexions whatsoever, with the Continent of Europe, on system, has it yet in her power to form commercial treaties with the maritime powers thereof, unconnected with the politics of the landed states; because, if they have yet remaining any conscious feeling of the essence of their nature; if they have any sense of their right interest, inseparable from it; if they are in power, or have any hope to revive and to maintain, in any degree, their independence as states, who have the command of their own being, such alliance alone can operate to produce and establish that effect: but as it is to be feared, that no reasoning in the present circumstances, under which persons, states, and things

things exist, can find actual place in effect, the statesman must wait God's own time in his providence, when he shall, by the suffering of a training discipline of experience towards nations, have not only impressed, but inured into their hearts, this truth of fact, so essential to their being.

As this measure may not, at present, come within the ground of practical operation, the Memorial will turn its review to what was, and what may be again.

Great Britain had it in her power, during the course of last war, to have formed, as it is founded in and arises from the great system of nature, and from her own peculiar nature and circumstances, a GREAT MARINE ATLANTIC ALLIANCE with states and powers that are already arisen, and with others which are arising in a new world, to independence and sovereignty purely Atlantic: it was in her power to have formed such an indissoluble system of alliance, and so powerful, that all the arts and intrigues of Europe could not infect, nor all the power of the Continent make any impression on. This has

has been repeatedly neglected when proposed, and the occasion is gone. This might have been done at a period when the measure would have been taken up only as EVENTS IN ACTUAL OPERATING EXISTENCE *called forth such arrangements into act*; when it might have been undertaken without any expence finally, in a way which would not have interfered with any other measure in operation, without the risk of any possible opposition, and with every moral certainty of success. "C'etoit là un mo-"ment decicif—mais rarement la prudence "humaine connoit l'importance de ces *pre-*"*cieux moments.*" It might have been, when proposed, taken up as a matter of *political* arrangement: if it shall ever be recurred to again, it will be as *a matter of necessity*, when perhaps it may be hardly practicable. Great Britain, however, must look to this case of necessity, obstructed as it may be, with almost insurmountable difficulties, and involved in incalculable expences.

The novelty of this idea will of course re-

quire an answer to the question, What supposed powers arisen, or arising, are here referred to? This Memorial, although refering to distant periods, and not reasoning on effects actually decided, but viewing and examining the decided course of certain causes, which have been seen in operation between forty and fifty years, working to decisive effects, does not hesitate to state, that, besides the United States of North America, there are other powers arising to independence and sovereignty, whose beings, like a fluxional point in mathematics, are nascent to movement, though not in actual motion; whose independent existence, and whose coming into sovereign power, howsoever visionary it may seem to those who look not beyond the present moment, is as certainly denoted by their advancing circumstances, as the rising of the sun by the preceding light of day-break.

These it proceeds to state and describe as natural and essential parts of a general Atlantic interest, and which, by a duly organized arrangement of political measures, may form

form the GREAT MARINE ATLANTIC ALLIANCE here looked forward to.

There are, at present, in perfect independence, two sovereign states in the Atlantic, who, from the nature of their respective beings, and by the circumstances under which they exist, are especially and peculiarly Atlantic; and still more are naturally, if not politically allied, by that intercommunion and union which this Atlantic interest creates between them. Great Britain on the east of that ocean, and the United States on the west, both of the same family and tongue, and by nature the same hearts, except where the perversions of wretched politics may embitter that sweet blood of one common source which flows in them; both having and enjoying the same principles of freedom, the same form of political constitution, as far as the differing circumstances of each admit. These two are by nature, by old habits, and old affections, by old intercourse of interests, when alliance shall restore such, of one family; *they are by nature formed to be-*

come constituents of a FAMILY COMPACT, whenever genuine wisdom, treating things and persons as being what they are; whenever direct honesty, doing as it would be done unto, which is the best policy, shall act upon those relations by which these two powers are by nature connected, and may be united, they will form a real FAMILY COMPACT *, more natural between two nations of the same family, than any artificial family compact between two courts, who governed two nations discordant to each other. The writer of this Memorial stated this many years ago, and was ready, at that time, to undertake the negotiating of such: but he is now too old; and perhaps, moreover, the occasion is gone by, as many another hath, which Providence in grace offered, but which have been neglected and despised by those who have brought our country to the state in which she now lies.

The intercourse of wants and supplies for domestic

* The carrying this into effect was proposed by this writer in 1774.

domestic consumption and external circuitous trade; the nature and course of the navigation between Great Britain and the North American United States, which, now misconceived and worse acted upon, naturally lead to hostility; rightly conceived of, and left to take their course, as being what they are, would, in spite of all selfish, oppressive, and perversive politics, form such an *intercursus magnus* of the respective commercial interests of each separately, and of both where they combine, as would converge and concenter, in one common point of alliance, founded more in the acting powers of nature than in any artificial sanctions of treaty.

The same jealousies and rivalship, the same interfering and hostilities with the European powers, will equally and in like manner affect and be affected by the one as the other of these Atlantic powers: the same offence will arise, and the same defence will place both in one common cause. From the nature of the attacks which both are liable to in these points, the mutual aid

and reciprocal assistance by which they could guard and defend each other, would, in the course of circumstances, create an actual defensive alliance, prior to all diplomatic arrangements of its form. The natural process and progression of their respective and mutual marine operations, and of their political movements in the Atlantic, will, when they understand each other and themselves, draw both, by their own nature, and by the principles of Nature in general, into the combined and united power of offensive alliance.

Unless the people of Europe change their habits, those articles of improved enjoyment, and those of luxury and vanity, become by habits necessary to their manners and customs, must be supplied by commerce direct and circuitous. These Atlantic nations, from their scite and circumstances, and from their marine nature, must be the traffickers and carriers of these articles; and, under a general alliance of their marine faculties and naval agency, must have the ascendancy in, if not the command of, this commerce and

this

this navigation, which is thus become necessary to the European world.

If, by any selfish self-destroying interest, any crooked cunning, either of them be induced to divide and separate from the natural interest of this alliance, such may, for a while, like duped recruits, riot on the temporary flush supply of the bounty received, but must, in a short time, be reduced to strict subordination, and become *hewers of wood and drawers of water*, like slaves, to the Continental Powers, to whose service they have bound themselves. But when, on the contrary, unobstructed and unperverted, they become united, this alliance must of course give them, not only a present ascendant interest in the Atlantic, but must give them the ascendant in any future Atlantic alliance which may be formed by the accession of other Atlantic marine powers which may hereafter come forward into independence and sovereignty as political states.

By this alliance these two Atlantic powers will not only command the commerce of

the Atlantic, but have an ascendancy in that of the whole world. However, to maintain this alliance in perfect unimpeachable peace, they must share this ascendant trade between them by commercial arrangements, if not of perfect equality at first, yet by such regulations, and under such conditions, as shall, in the course of things, necessarily lead, in an advancing progression, as their state and circumstances advance, to that equality.

They must be to each other a free market and free port, as far as their relations with other nations will permit: and Great Britain must open to them the trade of her provinces and islands, and also a circuitous trade *from* them, without which the trade *to* them will be impracticable and a mockery. This permission, however, must be agreed to under such limitations and conditions as shall not, whilst this alliance gives every benefit of such free trade to the United States, injure, depress, or obstruct that proportion of benefit which Great Britain ought to derive from her own plantations.

Whenever

Whenever it shall please Providence that such union of alliance shall take place, that union, like the knitting of a fractured bone, will render the bone more strongly and firmly united, even in the place of fracture, than it was in its unbroken and original state.

There is nothing which would more strongly cement this alliance between these two Atlantic powers, than their joining as in a common cause, in co-operation, to emancipate the inhabitants of the Spanish provinces in South America from the provincial *external* government by which they are oppressed, and to which that portion of mankind are subjugated; and in laying open the abundantly rich commerce of those regions to *the free intercourse of all the world*, and in releasing it from the bondage of monopoly by which it is now fettered down; and in clearing a channel for those riches which now come to Europe in barren exclusive revenue, that such may flow to all mankind in the fecundating streams of commerce. The joint operations of

of those two Atlantic powers, in actuating this commerce, will create a new Atlantic common interest, by raising into freedom and independence an Atlantic state; and that state must, from its own nature, and from the relations which it holds to these its deliverers and defenders, become an acting party in, and give additional strength to, the GREAT MARINE ATLANTIC ALLIANCE.

As this union of alliance will be quite a new thing in the world, and exist under entirely new circumstances, there ought to be formed a new act of Navigation, common and reciprocal to all these parties, deriving its authority as law from special treaty between each of these parties, or by general convention of all.

These suggestions lead the Memorial to the consideration of the measure itself.

The inhabitants of South America are divided into kingdoms and states, on the foundation of old dominions. The original natives, and those Spaniards who have become incorporated with them, have long formed a *preponderating interest,* and have now

now at length arisen to an *ascendant interest* in those communities; they are at the crisis of an explosion to independency, which the government of Old Spain hath not the power to prevent or to resist. This revolution is now nascent.

——————————— omnia tempus
Nacta suum, properant nasci——

It will not be with-held. The consideration, whether it shall so arise or not, is no longer a question. The progress by which these states were advancing to this crisis of independency, the nature of the polity on which they were founded, and which gave course to this progress, were, in the year 1780, explained by the writer of this, in a Memorial at that time published as addressed to the Sovereigns of Europe.—" South " America is not yet, in its natural course, " ripe for falling off; nor is it likely, from " the slow, official, cautious prudence of " its metropolis, to be forced before its time " and season to a premature revolt, as North " America has been. As long as the Spa-

" nish

" nish government proceeds in administer-
" ing the affairs of its American establish-
" ments with the temper, address, and wis-
" dom which she observes at present, an
" indolent, luxurious, superstitious people,
" not much (though much more than the
" world suspects) accustomed to reason on
" political arrangements, will continue *in*
" *a certain degree* of subjection to govern-
" ment, and in a certain degree of acquies-
" cence to commercial restrictive regula-
" tions, in their European course, for the
" sake of a reciprocity of enjoyment and
" protection which they derive from it.
" *Not yet being hardened into a temper*
" *for enterprise by force of war*, they will
" continue to pay their taxes *as a peace-*
" *offering*. The natives, however, encreas-
" ing in numbers, beyond any number of
" old Spaniards which the metropolis can
" send either as civil governors and magi-
" strates, or as soldiers; having the interior
" executive power of all the inferior magi-
" stracies in their own hands, by their own
" election of the magistrates; and having
" inva-

" invariably, where their choice operates,
" made a decided rule to choose those of
" their own body, they have, so far as that
" goes, *all the power of internal govern-*
" *ment in their own hands,* in which the
" majesty of the sovereign state never inter-
" feres: and whatever sovereignty the Spa-
" nish monarch holds by the offices of his
" viceroys, of his judges, of his audiences,
" his clergy, or his army; however majes-
" tic they may look, or however it may ap-
" pear to individuals, and, in particular ex-
" ertions, to carry terror, it is *a mere tenure*
" *at good-will.* A great country like this,
" where the community has so far advan-
" ced in agriculture, manufactures, arts,
" and commerce, wherein there is *such*
" *amplitude and growth of state,* [Lord
" Bacon,] is every way growing too large
" for any government in Europe to manage
" by *authority*, at the distance of four or
" five thousand miles: and as to the idea
" of *power by force,* I will use Lord Ve-
" rulam's explanation of it—' There be
" two manners of securing large territories;

" the

" the one, by the natural arms of every
" province; and the other, by the protect-
" ing arms of the principal states; in which
" latter case, commonly the provincials are
" held disarmed: so are there two dangers
" incident to every estate—foreign invasion
" and inward rebellion. Now, such is the
" nature of things, that these two reme-
" dies of state do fall respectively into these
" two dangers, *in case of remote provinces*;
" for if such a state rest upon the natural
" arms of the provinces, it is sure to be sub-
" ject to rebellion or revolt; if upon pro-
" tecting arms, it is sure to be weak against
" invasion'—I will here add, weak and
" *inferior to the internal power* of the
" province, which must of course predomi-
" nate. The Spanish government knows
" that they, as well as the English, found
" themselves under the necessity of repeal-
" ing an arrangement of revenue which they
" had made, because they felt that they
" could not carry it into execution *by*
" *authority*, and they rightly so under-
" stood their strength as to know that it
" was

" was *not safe to urge it by force.* It
" is also very well known, that the dis-
" putes between the Spanish and Portuguese
" courts, about the boundaries of the Bra-
" zils and the Spanish provinces, arose
" from their not being able jointly to carry
" into effect a pacification on the case, be-
" cause there are powers in those countries
" who would not be bound by the deci-
" sions of a government whose laws are of
" no authority with them, when opposed to
" their system. This is exactly and pre-
" ciscly the case between the metropolitan
" government of Spain and its provincial
" establishments in South America. I
" could, by a detailed description of the
" nature of the country; of the application
" of the labour of the inhabitants to its ca-
" pabilities; of the state of the community
" as it lies in nature, and as it is actuated;
" all compared with the constitution and
" administration of government which is
" established there; with the spirit of the
" people, both old Spaniards, Creoles, and
" Indians, show that South America is grow-

" ing too much for Spain to manage; that
" it is *in power* to be independent, and will
" be so *in act*, whenever and as soon as
" any occasion shall call forth that power.
" Whenever such revolt takes place, it will
" not be after the manner or in the form of
" that of North America. The falling off
" of South America will be conducted, in
" its *natural* progress, by the spirit of some
" injured enterprising genius taking the lead
" of a sense of alienation, and of a disposi-
" tion of revolt, to the establishment of a
" great monarchy."

The maturity to which this spirit of independence had arrived was attentively watched by this writer in its various periods. This hath, at various periods, and on divers occasions, broken out into actual insurrection, and in some parts into decided revolt.

In the Carracaas, in	—	1750—1797
Quito,	—	— 1764
Mexico,	—	1773
Peru,	—	— 1781
Santa Fee,	—	1781—1796

Finding

Finding the above state of things confirmed by current and posterior events coming into fact, the Writer of this was led to pursue and follow up the line of information of which he had the clue; and being, in consequence of this information, which it was known he was in possession of, and in consequence of a remembrance still remaining, in North America, of the part he took in defending the political freedom and establishments of that country, applied to, in divers lines, to go into further considerations of the line by which this large portion of mankind might become emancipated from the *provincial external* government of Old Spain, as North America was from that of Great Britain. He drew up a plan * * * *; and some years after, when an opportunity offered of forming that plan on really existing ground of fact, calling forth act; and, when a proper occasion came forward to propose it for execution, he gave his assistance, not only in forming the measure by which this emancipation was to be attained, but formed the plan of an inde-

pendent sovereign government, suited to the existing circumstances of the people and the country; clear of all democratic anarchy on one hand, and secured against the dangers of despotism on the other. This he undertook and communicated, in its proper place, in the year 1790-1. The Government of Great Britain took this measure into consideration, and was on the point of carrying it into execution. The apprehension which this excited in the Spanish cabinet brought it to an accommodation on the business of Nootka Sound, and made the peace of that day. This has been for some time no secret at Paris or Madrid. It was not in the power of Spain to oppose its execution. France knew it was executable; and, in the year 1792, entertained the project of taking the measure out of our hands, and of executing what they supposed Great Britain had relinquished. The Writer of this has seen the plan, which he was informed was that which the French government of that time had adopted. It was not put into execution there; and Great Britain and

Spain

Spain being then at peace, it was suspended here.

The Directory took up the consideration of this measure a second time, in a different way, by an intermediate leading measure, that of obtaining the province of Louisiana by a re-cession from Spain; first, on the plan of interfering in the affairs and parties of the United States, as they have since done in Switzerland, to the total abolition of the fœderal government, and to the total destruction of the liberty of that country; but, finally, on the plan of making that province *a stepping-stone to Mexico*. Carnot, after his exclusion from the Directory, supposing that those, who remained in office, had neglected to put this plan into operation, calls them *mal-adroits ou traitres*; but he was mistaken: they did not only put the first part of this plan into operation, but have carried into execution, and have prepared the ground for the second by an artful article of their treaty with the court of France, that it should guaranty the dependence of the Spanish provinces of South Ame-

rica to the metropolitan government of Spain, on condition that France shall have free access to, and communication with, those provinces. Here it deeply concerns the government of Spain to be jealous in the extreme, and closely on her guard, (if it is not too late,) that the mode of carrying this article into execution doth not lead, under all the *forms* of good faith, to the taking the command *in trust* of the garrisons, and possession *in trust* of the revenue and commerce of that country. On the contrary, this government, fostering in its heart a disroyal suspicion of its own constituent citizens and subjects, is, in the worst spirit of suspicion, driving its own people into despair and revolt, by disarming them, by confiscations and imprisonment, and by shedding the blood of some of the first rank of its subjects by ignominious executions. And further, whilst it is wrapt up in the fraternal embrace of its French ally, it has prohibited, on pain of death, all communication with the British, who are in peace and amity with her, in the ceded island Trinidada.

Thus

Thus is Spain unwittingly, and *under some fatality*, preparing the ground, and forcing the vegetation of a revolution, which must necessarily put these Spanish provinces (if they continue provinces) under subjection to, and under the command of, the French government, which must thereby possess and enjoy all the benefit of revenue and commerce which derives from them.

Whatever Spain may find herself obliged to submit to, Great Britain and the Powers of the Atlantic must not, and will not, suffer such a revolution to take place. If the state and circumstances of these South Americans are such as call for a revolution, it must be that of emancipation from all *provincial government*, and the establishment of independent self-government as free and sovereign states.

Great Britain and the Powers of the Atlantic must directly engage in measures to give course to this nascent revolution, by giving such open, avowed, and effective aid to these South Americans as shall enable them *to move*; for, in the moment that they

move, the effect in all efficiency takes place, without shedding scarcely a drop of blood in the operation. This, however, must be undertaken on fair and honourable terms, such as it holds itself forth to take, without any *base views of revenue*, and thus putting those, whom it professes to emancipate and establish as independent, in the situation of only changing their masters. The proceeding must be such in act and deed as, without any selfish conditions of monopoly, may lay open the commerce of this country to all the world; but, in a more especial manner, of preference to the Atlantic alliance.

It is not now *, nor ever will be, in the power of Spain to prevent this nascent revolution coming into event, unless she does what she can never bring her mind to, (if it is not now too late,) that of emancipating, of her own will and mere notion, these her American provinces, and of establishing a free

* This was written during the war.

a free sovereign government therein, under special conditions of alliance, sufficiently guarantied to these people, as Great Britain ought to have acted towards the North Americans. " Sage et heureuse sera la na-
" tion qui la premiere saura plier sa poli-
" tique aux circonstances nouvelles, qui con-
" sentira à ne voir dans ses colonies, que
" des provinces allies." Mons. Turgot, 1776. This measure of emancipating these provinces, and of establishing a free and sovereign government therein, must not be considered or taken up as an insulated measure : it must form, as it is in fact, part of the general plan of the ATLANTIC MARINE COMMERCIAL ALLIANCE, of which the North American States must, as they shall by nature and interest become parties in the operation, become so likewise in the unequivocal benefits, and in the full enjoyment of the consequences of it.

Thus far, and no further, as to the communications which the Writer of this Memorial made in different periods of the late war. He doth not *here enter into any de-*

tails of any plan of operation or measure of execution: he betrays no secrets of government; for, whatever he may have communicated *to* government, he did not at any time desire, or had any confidences with ministers; he never sought, and never had any communications *from* ministers: the plan was put into their hands on fair and open ground: the measure and the plan of it, as he formed it, has been to this day, and will continue, so far as he is concerned, a secret inviolate. These matters, however, have been suffered, somehow, to transpire beyond their original bounds; an echo of it vibrated amongst the officers employed on the expedition to Holland; and we are told by Sir Robert Wilson, "that Italy and Spanish "America for some time occupied Sir Ralph "Abercrombie's attention," before he received orders to proceed to Egypt. That such a plan existed is well known at Paris and at Madrid, and not unknown at Vienna. The French have lately suffered their writers to speculate openly and avowedly on these views of the emancipation of the Spanish provinces;

provinces; and a Treatise on this subject, printed in America, has been addressed to the South Americans. Nay, more, since the signing of the preliminaries of the peace, the French put into provisional operation their plan of guaranty, founded in part on their treaty with Spain, and in part on their general plan of aggrandisement, by possession of the revenues and commerce of these Spanish provinces. If they had succeeded at St. Domingo, they would have proceeded with such troops as they could spare, and with such part of their fleet as they would have been permitted to sail with to these coasts; and would, *at this moment*, have had, *under the form of guaranty*, the command of the garrisons, and have been in possession of the revenue and commerce of the country: but, fortunately for Great Britain, and the Atlantic interests and states, the failure at St. Domingo, and the loss sustained in troops, hath completely taken their fleet a-back, and disabled the army from proceeding to carry these operations into execution. The Atlantic interest has once more escaped

the

the being put under the dominancy of a French ascendant: And Great Britain, and the other Atlantic states, have it once more in their power, if they have the spirit to profit of the fortune of the moment, *et non deeste fortunæ præbenti se*, to meet, what they cannot avoid, this great decisive crisis. Either France must be permitted to acquire a similar ascendant in the Atlantic to that which she already hath on the continent of Europe; or a great Atlantic alliance must protect and enable the South Americans to form that revolution which shall emancipate them, and secure their independence in the establishment of a sovereign self-government, and protect them as free states, parts of this great Atlantic alliance herein proposed. This is no longer a secret, and admits of no mystery on the subject. The crisis of this alternative is brought forward into movement and act, and admits of no doubts, hesitation or delay. Although the Atlantic powers and states did not see their ground whereon to act, when this measure might have been taken up as a *measure of policy*,

policy, they must now be forced into it as a *measure of necessity*, under all those difficulties which those, who suffer themselves to be driven to act under necessity, are always subjected to : yet, if they do their duty, neither Spain nor France can effectually oppose them, and they must succeed : they must, however, change their front.

The germ of another and very different Atlantic power hath some years back struck an unnoticed and secret root, which, as events have now come forward, may, in no very distant period, make its shoot in a soil and in a climate, so suited and so genial to its nature, that, when once it gets above ground, it will grow with a rapid progress of vegetation beyond all common experience. The Memorial here marks out the negro people, who, *serius aut citius*, will be masters of all the West-India islands. Those who have examined and considered the mode of this system of servitude, must have seen the wretched policy of importing slaves and increasing their number beyond all proportion,

tion, to that of the planters their masters; who have considered, that whilst these slaves are placed in situations, unavoidably having access to see and learn the forms and movements of civilization, that they are yet depressed down as degraded oppressed beings, who must be in every moment comparing their state wherein they are treated like the most humiliated beasts of labour, not like human beings, who have capacities, powers, and rights of the human being, who are depressed down under circumstances and in situations

"where hope ne'er comes, that comes to all."

Those who have considered these matters in operation of causes have seen, that whilst this class of the human race are becoming in every age, and many of them every day, more and more capable of exerting these powers, and of enjoying these rights of civilization, the wretched and interested policy of this defective system of servitude represses them still more severely back into slavery.

slavery, clearly foresaw that this system, by degrees, howsoever slow, yet certain in time, must create an irrepressible explosion.

If the slaves had been restrained in their numbers in a manageable proportion to their masters; if a prospect and means of gradual emancipation had been opened to individuals, as such became capable of, deserved, and would prove useful in civilization, by such regulations as there are examples of amongst ancient nations, those who continued fit only to be slaves would be easily repressed; whilst those who were becoming capable of civilization would quietly continue their servitude for their time, in the endeavour to deserve, and in hope and assurance of receiving emancipation, and of rendering themselves the more useful to their patrons in community. But, on the contrary, these people have by degrees learnt, and have become conversant with, the arts of civilized life. The intercourse, movements, and acts of organized civil government are, by a watching experience, known to a sufficient number of particulars amongst them,

so

so as to give that class, *whenever occasion calls forth act,* the means of taking a lead and forming a command which may carry them to every degree of civil organization in government. They feel and know the power as it exists in capacity, so as to give unity and activity to a number of their own class, out of all proportion superior to the European class of inhabitants. Moreover, they have lately had arms put into their hands, and have been trained to military discipline, so as to become not only soldiers in the individual, but military corps, equal, and in that climate genial to them, superior to most European corps.

If, under the present unsettled revolutionary state of things in the West Indies, any not-unsuspected insurrection and revolt should take place to any general extent, it will be forced into forward growth by the French and British contests alternately, increase in daily strengthened progression, in spite of all power of art, however it may obstruct to repress it; in spite of all force to reduce it. The powers of Europe

rope must feel from experience, that no landed force which they can send can have any decided permanent effect, acting on the interior of those islands, in such circumstances, when once insurrection shall become general. The expeditions to St. Domingo, both French and English, give proof in point by fact; for whatever local or temporary impressions they may have made, after millions of money which they have cost, after the thousands of lives which have been lost, it will be found they must issue *finally* in laying the foundation of a negro dominion in that island, as a commencement of this general event. Instead, therefore, of the European states suppressing this rising power, they will become rivals who shall first and best * enter into negociation with it as a sovereign and independent state.

Sovereign and independent, however, as it may become within its own territories, it must

* Was there not something of this kind in *negociation* and *act*, in the course of the last war?

must have a relative dependence on some marine naval and commercial power that can become a guarantee to it in a state of peace, and a protecting guard to it in a state of war, which can conduct its commerce in the export of its product, and in the necessary supplies of its import. This power will of course be the great Atlantic alliance. This case here again marks, as with line and compass, the essential interest, and the precise duty of Great Britain and her Atlantic allies.

Do not let any sovereign, state, or individual, think that this Memorial here lays open any mischievous secret, or makes any disclosure of dangerous suggestions. What is here stated has long ceased to be a secret to the negro people; and the only mischief and danger is, the supposing that it can be made a secret of, instead of preparing to meet the event, and providing, as far as human means will admit, to meet this revolution, with such arrangements and measures as may secure a co-existence with it; as may subsist under such new circumstances as must arise,

as to the holding property under the new regents, and as to the future means of cultivation. When (if ever) this revolution shall take place, these islands must cease to be *cultivated plantations* in general; must be annihilated as *European settlements*, unless upon a new system of settlement and cultivation.

If those who have landed-property there at present shall be permitted to retain such, or any part of such, it will be under quite a new tenure, either by capitulation, or by taking out new grants from the new regents, on such conditions of holding as shall be practically worth taking; and on terms, as to cultivation, by which they shall be allowed to hire negro cultivators for time and periods, as the dominant power shall admit, or shall *in any other way* supply them with.

There can be no doubt but that this new power would be ready to grant such terms as may admit the settlement of European or American planters on the coasts; and on such terms as may render them capable of

carrying on such culture as they might live and profit under, although not to that high degree of acquisition of wealth as they have hitherto enjoyed. It would become the negroe's interest, in every line of interest, to promote, secure, and maintain such settlement of Europeans or Americans as would create to them a market of export, but more especially of supply.

The consideration of the Portugueze nation, which, established in the Brazils, might become a great power, and of course a most important part of this Atlantic alliance, would properly come forward in this part of the Memorial; but what has been stated above, respecting its helpless state, sufficiently marks that it is out of all consideration for the present.

Those whose course of life have not given to them the means of seeing and examining causes in their operations, nor experience in the consequent train of events necessarily connected to these causes, will not, perhaps cannot, look beyond their day, whose system, therefore, if such can be called system, must

must be the mere cunning of the moment, the craft of shifting off the danger of the day, such will consider all that has been stated above as the mere speculation of inexperience, or such vision as man fancies when he dreams, until they shall feel and find, when these rising events come forward into fact, that all the cunning, craft, and shifts of such wretched politics will not be able either to prevent, to parry, or to resist the evil that shall come upon them. Be it, however, remembered, that they have been warned of this.

The Executive of this country has feared nothing so much, nor rejected any thing more decidedly, for six-and-thirty years, than the interposition of advice founded on the system in which the interest, and even the existence of it is involved; whilst the Executive of the government of France is going on under the advice of a regular progressive system, which advances every day, and will, nay must, produce its direct and full effect.

After all, the Writer of this should con-

fess, for it is too true, that, in our present derelict state, and since the time which was open to practical efficiency has been suffered to go by neglected, he has not any assured confidence in the efficacy of any measure which may be now proposed, and which the Atlantic powers are now likely to take up and engage in, equal to meet the danger which menaces them, and will come upon them.

However—*de republicâ non desperandum*—he therefore endeavours to trace a line to which some future hope may point its view.

MEMORIAL

TO THE

SOVEREIGNS OF EUROPE AND THE ATLANTIC.

PART THIRD.

Quæ sit conjunctio hominum, quæ *naturalis*
Societas inter ipsos, his enim explicatis, ad
Respublicas firmandas, et ad stabiliendas vires,
Sanandosque populos, omnis nostra pergit oratio.
CICERO de Legibus, Lib. i.

AFTER having examined the rise, the progress, and the operation of the revolutionary spirit, as it hath produced a disorganizing effect on the continent of Europe; and having, in the second part of this Memorial, stated with what system the present state of power in Europe may be met by a marine alliance of the Atlantic powers: This Third Part proceeds to mark to thore sovereigns and people, who, in the interior of

their states, may yet be in danger of being infected by this revolutionary spirit, how particularly and especially it concerns them to be aware of the danger of it, which, although not such an infectious mischief where regulated liberty is understood in theory, and where it exists in fact as to be remediless, is yet a poison, the more dangerous the more secret and unsuspected it is, whilst it works by its deleterious power in the very vitals of the community; a poison not to be guarded against or remedied by palliatives, nor to be repressed by mere force, but which, met by a system of policy founded in nature and right, and conducted in its application and operations by the true principles of such, may yet be converted into an antidote against its own venom; such a system as, whilst it maintains the rights of the people and the political freedom of the community, will become the means of establishing true and efficient government conservative thereof.

The sovereigns, and those ministers who actuate their power, should examine tho-

roughly, to the most secret foundations, the workings of this revolutionary spirit, and next consider, in the experience of practice, whether they can, and how they can, carry on government into effect under a deranged state of the community, by the ordinary means of civil polity; or whether, on the other hand, the strengthening this civil polity by force, even military force, (howsoever necessary to arrest the violence of disease in the crisis of its movements,) can operate as a permanent system, so as uniformly to take a commanding lead of the *consensus obedientium*, which is the foundation of all civil imperium, and of military also.

The people also should learn, from consequences in effect, from their feeling as well as their reasoning, whether the sort of liberty which they have been called upon to aim at, and have been mocked with, is practicable under any system of peace, or any ground of right and social settlement; and whether the license, which they assume and affect, is not the dissolution of all civil community, and the setting up of self-destruc-

tive violence: whether, in fact, it has not dragged those, who have been led by it, through every varied form of anarchy to the despotism of will.

The fate which France has experienced under the operation of these principles, may be, (many hope it,) to the misguided people at large, a decided proof by example in event, that these principles and these energies can lead only to the subjugating them to despotism, both civil and military. But to the agitators and leaders it becomes, on the contrary, in the success of the experiment, conviction on proof in fact, that the lowest and the worst members of the community, under cover of these pretences, may, in defiance o all right, subvert all legal property, and become the actual possessors of it in fact; and, in spite of all liberty and equality, may introduce a *new arrangement of inequality* of the most oppressive and despotic efficiency founded on force.

What may not our agitators here hope on the ground of this example in proof?

What

What do they not hope, now that their views are hardly concealed?

However, from certain disconcertions in the plan on the old ground, from certain checks on the line of activity, the movement of this mischief is at present arrested and repressed. There is at the moment, and for the moment, as the sailors phrase it, a lull in the storm that has been abroad; but be assured it is only a lull; the storm is not over; take, therefore, the sailors' example; seize the moment; *fortiter occupa*; repair all damages; make all fast, and tight, and snug; and then when the gust reinforced shall pour down again upon you with redoubled violence, which it will, like the sailor, let it blow its will; prepared for it, he meets it without fear or danger.

This Memorial will first trace and mark the movements which come into action in the struggle between license and liberty; and will then proceed to explain how '*miscendo res olim dissociabiles, principatum ac*

ac libertatem,' the one is secured inviolate, and the other rendered efficient through the agency of such liberty.

Whoever considers the present state of things, and the present temper of men, finds, at the first step, a certain restless unsatisfied temper, working very generally in the minds of individuals of every class of society; a looking to some change, some new artificial arrangement and order of things, by which each may go beyond and out of that class and order in which the natural process of community, growing up to government, has placed him—finds certain mistaken, misunderstood, and misapplied doctrines, falsely deduced from a real truth, *the social compact,* which is formed by and exists in the organization of the community, as by nature it goes to government; and it finds further, that these doctrines are applied to the working up this *new temper* to revolutionary fermentation, in various forms of combination in affairs economic and commercial, or in political conspiracies,

cies, as the occasion offers, or as they meet the particular disposition.

The sovereigns and the people should here trace the new habits of character which men have assumed, and the consequent revolutionary movement which individuals, in their personal capacities, and in the primary component relations of society, are making towards the dissolution of all civil society in experiments of reform, upon new systems of a delusive liberty on one hand, and of an impracticable equality on the other: they should here, between the extremes of errors, trace and mark out the first principles and real foundations of the *social compact* as it lies in nature, and how the true and practical system of efficient government, consistent with political liberty, arises out of it.

Those who, from their situation, have the government of the political world, and the administration of the affairs of it, must see, and from experience must know, that a *great change is taking place and coming forward, as in the spirit and temper of men,*

men, so in the principles by which the system of political establishments can move and act; and that operations of these principles continue their movement in a regular progressive course. Howsoever men may shut their eyes to this crisis; howsoever they may endeavour to conceal it from others—it *is a fact in event.* This should be decidedly looked to, and boldly met, boldly in reason and principle. Force may for a while arrest it, but will neither permanently nor efficiently meet it. Persons in public situations must know, but they should know to practical use, when they look each to the interior of their respective governments, that the lower, even the lowest classes of the people, have been for some time rising above the sphere in which they have hitherto acted, or have been acted upon. The politician must observe, that the inferior class of labourers have adopted an idea of some uncertain undefined rights, beyond the certain and defined rights which they actually are entitled to, and possess; and that these people maintain

tain a rising opinion of what is due to these newly thought-of claims, and do begin to "*stretch their duty nicely*," comparing what is required of them, as such duty, with this rising opinion.

Whoever attentively examines this state of things, and considers them in conviction of experience, will find that, howsoever the people may listen to, and their new teachers may talk of the *social compact*, or original contract, there is arisen a spirit of revolt against the first principle and fundamental rule of it, "that two words go to a bargain," which actuates the minds of individuals in every class of the community, so that they are bent upon demanding, by a self-erected claim on their own *one* word, without regard to that *second* word which makes the bargain, certain rights beyond the orders and subordination of orders, which can alone become the basis of government founded in the political natural organization of community. They will find the labourer and working-manufacturer, and mechanic, making claims on his employer, on his own

terms,

terms, and his own side of the question, with a spirit and conduct of conspiring revolt, organized into a secret imperium of command and obedience, of maintenance and correspondence, by which, when they think it necessary to enforce these claims, they are always able to do it; and sometimes actually do so by fire and force of arms. He will find the shopkeeper, the tradesman, the farmer, no longer content with, nor able perhaps, under their new habits, to live upon the due interest of their capital, nor the just profit of their produce and business, but by combinations of trade, enhancing and deranging the natural scale of prices throughout the whole operations of the community, so that even plenty cannot remove the dearth *. The statesman, who watches the movements of the minds of men under this state of things, will find the individuals amongst the middle classes, the

* Dearth, an old law-word for dearness.

the mechanics, the manufacturers, the artists, the tradesmen, although they continue to work each in their respective calling, considering such their employ merely as the subordinate operations of economic life, as an underpart of the business of the individual, whilst, as a constituent member of the community, and as a citizen, his primary and main business is to actuate, as of indispensible duty, *the rights of citizenship:* he will find all who are of this temper—*illumined* philosophers, legislators, and statesmen. The real statesman, who is charged with the administration of government, must here, referring to his feeling in experience, recur to his consciousness of fact, and, whilst he sees this advancing crisis, consider whether the science of polity (if polity be a science) has made an advance also in proportion to this spirit, so as to preserve the *consensus obedientium* in its convergency to its natural centre, so as to combine, manage, and uniformly hold an authoritative lead of this obedience.

As

As the people have, in many states, learnt to think, or act as if they thought, that nothing short of emancipation, nothing less than a dissolution from the attraction by which they should be held to this their natural centre, as if the *consensus volentium* only, and not the *consensus obedientium*, can be true liberty: so many of the governments of Europe have discarded the policy and true principle of that *imperium cujus vis omnis in consensu obedientium esset.*

Whenever these opinions, upon theory and impericism, come forward into act, against the constituted powers, those powers, who have also the force, may repress, and it is necessary that they should, the particular act at the moment, and at the crisis; but Force, unless actuated by principle of polity, like the repressing back a spring, will only charge it to a greater degree of recoil, or break it; such force cannot act to permanent and with civil effect: the safest, surest, and also the most efficient policy, is to meet these opinions with principle, as it lies

lies in nature, armed with that force of government which arises out of and derives from that principle.

This Memorial so doing, will, from first principles justly stated, deduce how it is, and by what operation of nature, that the great political machine is formed by the process of community organizing into government, which is the *vital union* of the social compact, becoming efficient to command *consensu obedientium*; that is, how this vital union acquires power and motion; and how that power can and ought to act, efficiently of right, and yet consistently with the political freedom of the organized whole.

To apply a remedy to the evils herein stated, is scarcely within the power of human reason or human policy. It seems that the Supreme Governor of the world is applying correctives of strong and severe efficiency; yet even, so to understand these correctives as to apply them, we must be brought back to pure principle; we must reject all unnatural and forced structures

which have been, or are attempted to be built on false principle. To understand the events of the present crisis, so as to apply to these that remedy which Providence seems to point out, it will become necessary so to analyse first principles as to demonstrate how in right, as well as practice, they apply to the efficiency of government, establishing on the same ground the full and perfect security of political freedom.

To state the formal and efficient cause, and to demonstrate how the fact arises that the many conspire in obedience to the few, or to the one, is a theorem which, notwithstanding all our fine Tory and Whig theories, remains yet to be explained, whether it arises freely by the natural process of the community, or by artificial compact the act of man, or by the supposed act of force.

The leader of a band of freebooters may establish a military command, wherein his will, acting by fear on each individual, forces the collective will of the whole: but this *force* can operate only by established despotic tyranny, which is the privation of *civil*

government, and never can be an assured permanent principle, *even in military*, without the intervention of some other additional and aiding principle.

Authority may acquire a leading influencing power of advice in a community not yet advanced to civil organization, as that of the Hetman amongst the Tartars, or the Sachem amongst the Indians of North America: yet, "as these people never had any *civil* organized union, they never had any *civil* government: they know not any such thing as executive power; nor have any civil magistrate or magistrates to execute such power: Reges erant auctoritate suadendi, non jubendi." (TACITUS.)—Until the community is organized into a *vital union*, and until this authority thus becomes the agent which actuates such vitality, it can never act as governing. So here the matter still remains to be explained how this is effected.

Both these cases, moreover, exclude all reference to property, a principal, if not an essential, operating cause in the procession

of community to the organization of government.

The fiction in politics, that the organization of government is formed *by will*, and created in fact by an *original compact* contracted between the governors and governed, *under a supposed state of nature*, wherein the human race must also be supposed to be divided into two casts of being, competent as parties to agree, and, actually agreeing, consensu volentium, to form government *as an artificial succedaneum* to this supposed unorganized state of nature, is an ingenious theory, and may be referred to in all cases, and at all times, where community has, by the natural process of its existence, advanced to such a degree of organization as that such competent parties do actually exist; but is not the forming cause of such organization.

There have been cases in fact, wherein, *after the organization has taken place*, and such parties, so competent, have existed, the people of the community, after having been in contest or at war with their governors,

governors, have by a compact, as of original right, come to a settlement on specific terms. Such was the case in the early periods of Rome; such at the time of the settlement of our Great Charter; such at the restoration of monarchy in 1660; but more especially on the grand event of our Revolution in 1688; and on the settlement of the crown and the succession thereof on the present reigning family.

The case of the settlement made at the *joyeuse entreé*, in the constitution of the duchy of Brabant, is another instance in fact, as well as right. The Duke is admitted to inauguration on his compact by oath to obey the laws; and the people swear on their part to obey him, so long as he obeys the law, *and no longer*.

Another instance, not so commonly known, exists in the constitution of the kingdom of Arragon. The preamble to the act of accession is in these words: "Nos que valemos quanto vos, os hacen os neustro rey y senor, contat que guardies neustros fueros y libertates; y si no; no." Literally: "We

who hold ourselves of equal value as you, constitute you our king and seguiur, on condition that you guard and guaranty our rights and liberties; *If not*, No." Bianca dans ses Commentaires, p. 751.

The English-Americans, by a revolt from, and by a dissolution of their metropolitan government, were reduced to that state, which, for distinction's sake, in treating of these matters, may be called a *state of nature*. In this state, each province and colony, being previously organized into their respective governments, did, on the natural basis of such organization, form their fœderal representative government. They did not, as a supposed distinct class of subjects, make an original compact on will merely, with any supposed existing governor or president: but the *office* of president being a part of the organization of this their government, they selected and chose some individual from amongst them to administer the power and execute the duty of this office, already established by the organization, according to the constitution, and according

to

to the interest, rights, and liberty of the people, as existing by and under that organization.

If those who took the lead in the revolution of France had understood or conformed their conduct to this *natural* principle, that the organization of the community is both the formal and efficient cause of government as it derives from nature and right, by the *consensus obedientium* conspiring to that centre, the nation would not have suffered the evils and extremes of distress which it hath been oppressed with by a consequent succession of revolutions, neither founded on any fixed basis of nature, nor moving or acting in any naturally decided line, but decided only on the will and power of succeeding *factions*, until, through all the violence and madness of anarchy, they were subjected to the will and power of military monarchy.

This theorem of an original contract could never be instituted but on the ground of that natural organization wherein the constituents *are previously, by the process of*

natural principle, so divided into classes and orders of men by their interests and rights, so as to be free and competent parties to this supposed contract. Mere will, the *consensus volentium,* independent of this natural process of the organization of the community going to government, goes to the deprivation of all government, and to the disorganization of community itself.

That principle in human nature which draws man to man in society; that necessary intercourse of communion which is a further process of this principle; the mutual and reciprocal relations which this intercourse of communion creates—form and divide men, on the genuine ground of an equality of rights and liberty, actuated by unequal powers both of mind and body, and by unequal degrees of applied activity, into constituents of unequal classes and orders. Now this organization, whence the distinction of classes, of orders, and subordination of orders; whence a conspiring obedience of subjection, and the power of government by nature and of right arise, does not derive from,

from, or is formed by compact of mere will, but *by the natural process of man from society to community, from the organization of community to the organization of government,* be its forms what they may.

On a change of this natural organization, by a shifting of the balance of the power of the community, as an organized whole, or on any force acting from any other point than from that actual centre of the interest and rights constitutionally and legally fixed, the community, as an organized whole, has undoubtedly, and of the necessity of its nature, a right in restoring the government to its constitutional and legal, its real and actual centre; in resisting unnatural, unrightful, unconstitutional force, to refer to the case of a supposed original contract as of right in theory; or, in the cases above stated, to come to a settlement by actual contract in fact.

The manner by which this natural process of nature operates as just, so efficient, may, without metaphor or simile, be called the law of attraction of the human system, just

as

as the process, by which particles of matter, and bodies formed of such particles, are attracted to each other and the whole, in the material system, is denominated.

When two individuals are thus drawn together in society, there is necessarily some common point or centre of connection between them: when three such individuals are thus drawn together, by the next process of nature, into community, there must be some one common centre of rights and interest so placed amongst them, as their interest, rights, powers, and applied activity require. The same law of human attraction applies to thirty, to three hundred, three millions, and so on. The conspiring attraction of these forms a common centre of rights and force, in which the interests and liberties of men concenter, which centre is so placed as to conform to the proportion of interest and applied activity, to the powers and rights of each constituent, and therefore, in each and all, coincides with their natural liberty. This law of attraction, thus conspiring towards a common centre,

organizes

organizes the constituents of community, not by the *consensus volentium**, but by the *consensus obedientium*; not by any original artificial compact, but by a natural process of nature, so as to preserve, maintain, and to give power of motion to government, and to secure the natural interests, rights, and liberties of the community, and so as to become capable of being governed by and according to them. Wherein ever this point of concentration lies; within whatever sphere, class or classes, this centre is found; therein will be found the force of community, and thence will arise, by natural principle, the power and the right of government, whatever be its form; which form, as naturally, so necessarily, will be determined by these laws of human attraction.

To arrive at a true knowledge of these more mixed and complex operations of nature in man, let us begin by analysing the most

* Omnia convelli necesse est, si id recipimus, jus regendi subditum esse eorum judicio et *voluntati*, qui reguntur. GROTIUS.

most simple operation of things: let us see how attraction, an agency common to all material nature, operates by drawing indivisible monad particles so towards each other, as to work inwards, by a common combined attraction of all, towards a one common centre, to which all the lines of such attraction converge, and wherein they all concenter. Two of these equal particles act or are acted upon equally between each other, and the centre common to both lies equally between the two; but if they become unequal, then, in proportion to the quantity of matter in each, the common centre is drawn nearer to the largest in the inverse proportion of its magnitude. Three, in like manner, acting individually, reciprocally, and equally on each other, have all three, at the same time, a general combined attraction, forming and meeting in a one common centre, by this combined attraction, stronger than that individual one by which each acts on each other severally. Were there myriads, or any indefinite number of particles, the same effect takes place. Drawn

by

by this common agency to each other individually and reciprocally, they will all tend *inwards*, by the combined attraction of all, to *a one common* centre of these several powers. If these particles were *all equal* in quantity of matter, this common centre would be found in the local centre of the whole mass. If, amongst these multitudes of particles, there should be *one* whose quantity of matter were greater than all the rest taken together, that centre would be found within the mass, or towards the surface of this *one* great particle or body, as is the case of our solar system. If these multitudes of particles were of different quantities of matter, so that the quantity of matter of a *few of them taken together as a class*, was greater than that of all the rest taken together, this common centre would be found within the limits of the space occupied by this class, or near to it.

In all these cases, at the same time that the attraction would be equal amongst the equal particles, and in proportion to the quantity of matter amongst those that are unequal,

unequal, the attraction of all combined *would work inwards to a common centre* of gravitation, wheresoever that should concentrate. Such is nature, and such are the laws of nature in the material world.

It is thus that the planets in our solar system, acting or being acted upon by the universal agency of attraction drawing each to each individually, are all in general, by the combination of these several attractions, drawn to a one common centre, not the centre of the sun, but the common centre of the whole system.

If we inquire what this centre of myriads of particles, or of any number of revolving worlds, is, we find, that it is not a point *having in itself* a power so as to draw all these particles and all these worlds to it; it is the common, equal, and proportioned attraction of each and all, which must concentre somewhere; but which centre, without this concurring propensity in each individual, could not exist.

The first Supreme Author and Governor of all things is the same, and acts by the

same

same laws in all his works. There is a similar one principle of attraction in the human world: just so the common attraction of man to man, and of a number of men to each other in common, forms a converging tendency to some one common centre.

The attraction of the sexes to each other, the wants of the child, and the natural affections of the parents, form the *family*: the moral social affections, which draw man to man, diffusing themselves as a one common principle of attraction, form the mass of *society*. As no man, although he may be equal in the *quantity* of his ability to acquire his full supply, can extend his exertion, in the *quality*, to every branch of it which is necessary to his maintenance, so it requires a number of individuals, each operating on that particular branch which he and his circumstances are suited to, so as, by the intercourse and union of all, to create resources to the full of the supply necessary to the whole. These general wants, and the intercourse of these reciprocal supplies, extending

extending to a complete resource, carry on, in the natural process of man, society into that state which is called *community*. As the principles of this intercourse shoot out their various ramifications amongst men, unequal activity operating by equal liberty on equal rights, form this community into various different, and even unequal distributions of property and power, and consequently into various classes, and unequal orders and subordinations of these orders of men*. These orders and subordination of orders,

* It is not from a supposed universal equality of men, (in which alone the visionary superficial and inexperienced politicians suppose liberty to exist,) that free civil government, consistent with the rights of man, is derived, but from the organization of these orders and subordination of orders, become different and unequal in community, that real, practical, and just government is formed. "Ex summis, et infimis, et mediis interjectis ordinibus, ut sonis, moderata ratione. Civitas *consensu dissimillimorum* concinit; et quæ harmonia a musicis dicitur incantu ea est in civitate concordia, arctissimum et optimum omni in republica, vinculum incolumitatis, quæ sine justitia nullo pacto esse potest." CICERONIS Frag. Lib. ii. Rep.—Let all visionary patriots here look up to the opinion of a practical

orders, working not by the mechanical principles of material nature, but by the vigour of the natural principles, and the natural process of social man, by his reason, his passions, his moral feeling, and his will co-operating in that process, and acting on the common interest of all in general, and the respective interest which each hath in his neighbour, in his neighbourhood, and in communion, create that organization of the community, and place within that community that centre wherein the common rights, common interest, common liberty and power, distinct from the right, interest, liberty, and power of the individuals taken separately, are concentrated; and hence so create civil government *consensu obedientium*, that the power of such government is not only established as of right, but is, in deed and fact, the actual power of all concentring by their interest in a whole.

This is in fact, as well as right, the true

SOCIAL

practical statesman, one of the first patriots of a republic, for the true idea of equality.

SOCIAL COMPACT formed, not by an artificial contract of supposed parties to it, which could not have existence at the time, but in those circumstances, by that natural process, and through the operation of those faculties of man, which thus become the foundation of his political liberty.

This shews how little those understand the nature of the social compact, or how much they wish to pervert the principles of it, who aim at an appeal to the people in an unorganized convention of equal individuals, without reference to that active property, that interest, that natural power, and consequently those rights which create them political constituents. By such appeal, they must first dissolve all natural organization of the community, and resolve it into a convention of unconnected individuals—

——————— conjectaque eodem
Non bene junctarum discordia semina rerum.

They thus would resolve it into a mob, and, putting it under the direction of mob-leaders, can create nothing but a mobocracy, founded in the chance of opinion, on arbi-

trary suggestion of will, or by the violence of anarchic despotism. This reasoning, as it derives from experience of times past, so is it eminently confirmed in the experience of all the revolutions which have taken place, on such operations, in the present.

The political centre of this social compact, which arises by the process of nature and right, will lie, and will be found in that point of the organized civil system, wherever the combined tendencies of the parts, attracted to each other in proportion to their interest, applied activity, and consequently their rights, shall, in their converging, coincide.

If all the individuals of the community remain, as by their equal interest in their share of the community, so equal in power, at the advancing progress of this community into government, the organization of that government will be *popular*. But if this organization does not divide into council and result, and employ some executive, distinct from such, it will break out into *anarchy:* such has always been the fact.

If it hath so happened, that in the progress of society to community, and in the advancing of that community to government, there is within it *one* great individual whose interest and power is more than an equal balance to all the rest, the organization of that government will be *monarchic*. However, so far as it is a civil organization, the rights and liberties of the rest of the community are only in a sort of abeyance not extinguished or made void. If they are, the organization is a deprivation of civil government, and becomes *despotism*.

If the individuals, in the advancing progress of the community to government, have become not only unequal, as in capacity so in power, but that there are *some few* who collectively form an order by themselves, and are (taken together) more than equal in the balance to all the rest, the organization of the government will take that form which is called *aristocracy*.

It is thus, as the orderly course and process of nature operates, that the governments, duly rising from it, would take these forms,

forms, could the pure forms exist and operate in practice: but *pure civil monarchy*, wherein the people have, as an interest in, so rights in the community, howsoever over-balanced at the time, yet so existing as to be always prepared to come forward as of right so in power, either in an aristocratic or popular form, as the balance may change, and may shift the political centre, cannot in its nature be, and never was, *absolutely permanent*.

If the increasing power of the community comes forward as aristocratic by the power of a few, then the government will be an aristocratic monarchy. Such form did the government of England, after the Norman Conquest, fall into. Under this form of government the balance will, as in fact it did, continually oscillate between the monarch and the great barons, until both parties, each in its turn, apply to the rest of the people as a third intervening regulating counterpoise. The barons first did so in the time of the earl of Leicester; and afterwards throughout the whole barons' wars. Henry

the Seventh first took up this measure systematically, and his successors held on the same plan more or less, until the people grew up to the recovering of their ancient Saxon true and natural rights and liberties, and became, as of right, so in power, a third constituent and efficient branch of the government.

If the people come forward by the weight and interest of their active property in the popular form of power, the monarch, feeling *this* power operating against what he holds to be *his power*, will, if he mistakes his own actual state, and does not understand the nature of this increasing balance, and the shifting of the centre which follows of course, try his strength, first by the force or police, and next by the force of arms against the people, and lose his monarchy as the Stuarts did: or perhaps, more politically and more effectually, he may form a counterpoise by creating a powerful nobility. In either of these cases, the government will, one way or the other, tend to regulated republic, mixed of monarchy, aristocracy,

tocracy, and democracy, counter-balancing each other in a legal, as well as natural settlement of the political centre of power, as was done at our great Revolution in 1688.

As thus a civil monarchy must in operation mix its power either with that of aristocracy or democracy, this government, composed of two branches, will finally, by the natural course of things, come to that only permanent form which is counterpoised by a triple mixture of all three.

" As an aristocracy, nobility or oligarchy " to exclude the people, must govern by a " king; or, to exclude a king, must govern " by the people; as there is not, without a " senate or mixture of aristocracy, any po- " pular government." (Harrington.) And I will add, if the government of a nation become a democracy, would exclude a nobility, that nation must, as our's did at the Restoration of 1660, recur to a king, or to something in the form of one, as the French are now doing.

Whence, " although, for discourse' sake, " politicians speak of pure aristocracy and

" pure democracy, there is no such thing as " either of these in nature, art, or example." (Harrington.) Wherever the intrigues of faction, or even the force of arms may set such up, and endeavour to support them, they must either come to the same triple combination of the power of government, or sink, through all the convulsions of anarchy, to absolute despotism. Therefore let royalists, aristocrats, or democrats, parties and factions of whatever description, say what they will, and do what they may—*adversus naturæ fœdera niti.* Nature, where she is permitted to work by the vigour of her own principles, and unobstructed, unperverted, to take her own course, will, in the process of her operation, produce that just, free, and permanent republic, wherein the partial power of monarchy, aristocracy, and the people, counterbalancing each other, shall settle and coalesce in a one general organization of all three. On these principles, therefore, in the words of Cicero, " Statuo esse optime constitutam rempublicam quæ ex tribus generibus illis, regali,

regali, optimo, et populari, confusa modice:" such is the republic of Great Britain *.

What is here stated in doctrine and precedent, is still stronger elucidated by the example of the French in the abortion of all their plans of government as laid on false grounds, and as endeavouring to deduce the sources of civil power from the erroneous unnatural principles herein above reprobated: for after having suffered every deprivation of right, property and liberty, under anarchy; after having been oppressed by a system of terror under the extreme of despotism, they begin to find, and I hope may find, that civil government, such as can command

* Respublica est res populi, cum bene ac juste geritur, sive ab uno rege, sive a paucis optumis, sive ab universo populo. Cum vero injustus rex est, tyrannum voco; aut injusti optimates, quorum consensus factio est: aut injustus ipse populus, (cui nomen usitatum nullum reperco,) nisi ut etiam illam illum tyrannum appellem, non jam vitiosa, sed omnino nulla respublica est, quoniam non est rex populi.—CICERONIS Fragm. ex libris de Repub.

command with effect, yet preserve the interest, rights, and liberty of the people, is to be found only in a civil limited monarchy. That finding this truth in theory, they may establish it in fact, must be the wish of every lover of mankind, for the comfort, peace, and liberty of the civil and moral world. May all nations learn from this great example, which cannot deceive, the fact as well as truth of this doctrine!

This is the regular process of nature, by which all just, free, civil governments arise into existence and take their form, having a one common right, a one common centre, to which, drawn by a conspiring principle equally affecting all, the individual members of the community tend. This alone is that organization of government by which all the equal rights and liberty of the individual, in proportion as they are wrought into the general communion, are preserved, provided for, and maintained as constituent parts of the *vital union* of the whole. This alone is the principle acting by the vigour

of

of nature, not by will or artificial force, which forms that civil "imperium cujus vis omnis in consensu obedientium est."

It is impossible to give a description of those operations of the nature of man, which arise from the process of the mind, without using *metaphors* in allusion to the operations of the material system, and to material effects: so far as common communicable explanation requires, so far metaphors, under these allusions, may answer the purpose, and attain the end; but when we attempt to *reason from metaphors*, all the links of demonstration are dissolved. It is hoped, therefore, that those to whom this Memorial is addressed, will distinguish, that, although metaphorical expressions are used for explanation, the argument is not grounded on them. It contains, on the contrary, *in a general proposition*, the precise demarkation of those principles, and doth in fact state those cases that form the present revolutionary crisis.

To those who have really reasoned on these matters, instead of inspiring themselves

selves with party opinions, what is there written is sufficient; to those who have viewed them in the refracted light of prejudice, or felt only the sensations of passion, a *particular description* of the causes and effects of the various tyrannies and anarchies, as they have severally, in many states of Europe, perverted, subverted, and destroyed civil society, and political community and government, would become matter of aggravation, would be of little use, and of no practical effect to reformation or peace amongst such. We must turn our eyes to what experience may suggest to us; or, if we find no examples in any preceding revolutions in the world, let us consider the present crisis, viewed in its own spirit, viewed in the disastrous events which follow in its train. In this view, and by this way of considering, we shall be led to see, that the present issue, to which the party contests in politics is, by a revolutionary spirit, brought between governments and the people, goes to a total inversion of the natural course and process of that principle

which

which carries on a state of community to a state of government; which combines the organization of that government in such mode and manner, that whilst it establishes the *imperium*, provides for and fixes in possession and power the rights and liberty of man.

Instead of the agency of this one common principle working by a general converging tendency *inwards* to a political centre, wherein the common interest and common rights of the whole are concentered; a partial spirit working *outward*, and at the surface only, has become, as it aims to act, and as far as it is able to act, repulsive to and dissolvent of all vital organization, and operates by a privation of all just free government, to tyranny or anarchy, equal extremes of despotism.

The present crisis also, viewed in the events which dominate at the moment, and in the consequences of its operations, is marked by a leading specific symptom. In the case of most revolutions, where they have not been produced by conquest, the shifting

shifting of the balance of property, shifting the balance of power, has been the cause of them. But it doth not appear upon the most intimate examination, that any change of property took place *previous* to, and *as a cause* of, the shifting the balance of power within any of the states of Europe which have undergone a revolution: yet a revolutionary spirit, collecting force from inflammation, hath by that force shifted the balance of power in such manner as that a *forced change of property* has been the consequence instead of the cause of the revolution: and this consequence has had, *de facto*, such operation, that *some revolutions*, which have thus taken place against the existing balance of property, and the natural organization of the community, have become in the end actually founded on a balance of property so shifted by force and violence, creating a new balance on which no civil power, not even military, could have any effect, unless it creates counter-revolutions by civil war.

If in any crisis, when such is the state of things,

things, there should be found in the minds of men, howsoever that may have arisen and come forward, a defection from old principles and old forms, by which the world, in its political interests, has been governed, and under which it hath been settled for ages; if in such periods there should have arisen any sceptic opinions, not only concerning modes and forms of government, but such as call in question their very establishment; if, in such times, men, supposing themselves *illuminated,* and their minds emancipated from the entanglement of old prejudices, should come forward promptly to act on such scepticism from such theory, there is no forming any judgment to what length or how far wide this spirit may extend itself; for when once, in the forced progress of men's minds, they advance to reasoning on these matters by "an illumined and divine principle," as they call it, it is not within the compass of political reasoning to forestate the effects: Reason, judging by the natural course of things, is too slow in her steps to follow the rapidity of revolutionary movements;

movements; Experience is too narrowly confined, by a knowledge of any thing which has happened in past time, to form even a guess at the events which may follow in future. Reason might as decidedly form an opinion in the uproar of a thunderstorm, which way the wind will blow when it is over, as to judge of the point in which such a course of things will terminate: Reason might as well argue with a whirlwind, and would have just as much effect upon it, as upon the minds of men in such wild contests: demonstration would not produce conviction; and conviction itself would have no influence: the natural organization of government would lose its frame; the orders and subordination of orders, into which the process of community has formed its constituents, will be thrown into confusion, and reversed; that *pudor* of the governed which should meet the *authoritas* of the governing, and converge to that centre of organization whence the *authoritas imperii* springs, which is the true spirit of free obedience and of just government, will lose its influencing

fluencing effect; the community will be broken into factions; an unbalanced vascillating power will continue, for times, to have a revolutionary and provisional operation amidst the struggles of these factions, until the preponderating activity of some one faction acquires an ascendant dominancy, and establishes, on violence and force, (the sole foundation of the power of a faction,) an absolute despotism.

It behoves, therefore, every state, which, from experience, is in possession of a just knowledge of the mining operation which these principles act by, of the secret working of such combustion, to consider itself, at every step it takes, as walking

——————————per ignes
Suppositos cineri doloso;

not to trust that the inflammation is extinguished, if they no longer see it burn; it may be smothered for the moment under its own ashes; it is not extinguished; it is unextinguishable: Such state must, by some dissolvent, by some counteracting elective

attractions, first loosen the parts of this combustible, and then, by a kind of political chemistry, draw out the *calorique*, otherwise it will neither be extinguished nor compressed, *but must, in spite of all policy, of all force, explode.*

It behoves, therefore, every free state more especially, to be at all events prepared for such explosion; to guard itself, beforehand, by a decided system formed on, and acting by, the spirit of its constitution, so as to be always in force to meet its effect, in whatever form it breaks out, whether by deleterious corruption seducing obedience, or whether by violence, which attempts to force any disorganizing and revolutionary theories into operation. Such state so acting on principle, will, as of right so in fact, stand immoveable on a base which shall secure it against all danger of insurrection or revolt, and render all unnatural revolution impracticable, although it cannot prevent the explosion.

Great Britain has thus a fixed constitution founded on these principles *in theory*, and

a government established as by nature and truth, so by law *in fact*; it hath, at the same time, in its capacities and powers, a *sanative principle* in itself, prepared to meet, and capable, if duly administered, of healing all those diseases which human governments are liable to, and to repress and reform all those errors to which the devious acts of man may pervert its course: it has a government efficient in power, which power is the concentered act and will of its constituents united in, and acting from, the natural centre of its constitution, the supreme executive magistrate.

This government, therefore, can in right, and ought in duty, *ne quid detrimenti capiat respublica*, steadily and firmly to resist all artificial theories provisional or revolutionary, operating from any unnatural centre, maintaining, on one hand, its constitutional efficiency, and, on the other, the personal and social rights of its constituents, combined in the political freedom of the community.

To

To this government thus organized, thus actuated, thus conservative, every true patriot will, *ex voto*, say—ESTO PERPETUA.

THE END.